

THE ALL ENGLAND LAW REPORTS

Tables and Index 1980

London
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All England Law Reports

TABLES AND INDEX 1980

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Introduction

The Tables and Index 1980 covers all the cases reported in the three 1980 volumes of the All England Law Reports. It is a continuation of the Consolidated Tables and Index 1936-1976. It follows the same pattern as the consolidated index and reference should therefore be made to the Introductions to volumes 1 and 2 of the consolidated index for information concerning the use of the 1980 index.

The annual indexes replace the separate indexes which were included in each volume of the reports up to the end of 1976. In order to provide subscribers with a continuing up-to-date index to the reports the annual indexes will be supplemented during the course of the year by separate cumulative tables and indexes (the 'Current Cumulative Tables and Index'). Issues of the current index will be published at regular intervals during the year and distributed to all subscribers. They will be issued on a cumulative basis and will cover all cases reported in the reports from the beginning of the year up to the date of issue. Each new issue will supersede the previous issue which should then be destroyed. A reader searching for a case reported in the All England series will therefore need to refer not only to the annual indexes but also, if the report is very recent, to the current index. Such a search will cover all the reports published since 1976 including those published in the weekly parts of the current year except for a small number, not exceeding eight, of the most recently published parts.

Readers who wish to have a comprehensive index to the whole series, should purchase the Consolidated Tables and Index 1936-1976 and subscribe to the annual cumulative indexes published from 1978 onwards and which, when published, will replace the separate annual indexes for 1977 onwards on a cumulative basis.

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 Considered, Prudential Assurance Co Ltd v Newman Industries Ltd (No 2) [1980] 2 841
- Darby, R v. *See* R v Henn
- Davey v Harrow Corp'n [1957] 2 305, CA
 Approved, Leakey v National Trust for Places of Historic Interest or Natural Beauty [1980] 1 17
- Davey (deceased), Re [1980] 3 342, ChD
- Davies v Camerons Industrial Services Ltd [1980] 2 680, QBD
- Davies, ex parte R v Nottingham Justices. *See* R v Nottingham Justices, ex parte Davies
- Davis Contractors Ltd v Fareham Urban District Council [1955] 1 275, CA
 Considered, Pioneer Shipping Ltd v BTP Tioxide Ltd [1980] 3 117
- De Falco v Crawley Borough Council [1980] 1 913, CA
 Considered, R v Hillingdon Borough Council, ex parte Streeting [1980] 3 413
 Distinguished, Heywood v Hull Prison Board of Visitors [1980] 3 594
- Debtor, Re A, ex parte Viscount of the Royal Court of Jersey, [1980] 3 665, ChD
- Debtor, A (No 37 of 1976, Liverpool), Re, ex parte Taylor v The debtor [1980] 1 129, ChD
- Debtor, A, (No 2A of 1980, Colchester), Re [1980] 3 641, ChD

- Decro-Wall International SA v Practitioners in Marketing Ltd [1971] 2 216, CA
 Considered, Gunton v London Borough of Richmond upon Thames [1980] 3 577
- Dendy v Evans [1908-10] 589, CA
 Applied, Meadows v Clerical, Medical and General Life Assurance Society [1980] 1 454
- Denmark Productions Ltd v Boscobel Productions Ltd [1968] 3 513, CA
 Considered, Gunton v London Borough of Richmond upon Thames [1980] 3 577
- Department of the Environment v Fox [1980] 1 58, EAT
- Dickinson, Jaggard v. *See* Jaggard v Dickinson
- Dipper v Dipper [1980] 2 722, CA
- Director of Public Prosecutions v Humphrys [1975] 2 1023, CA
 Reversed [1976] 2 497, HL
 Considered, McLkenny v Chief Constable of West Midlands Police Force [1980] 2 227
- Director of Public Prosecutions v Majewski (sub nom R v Majewski) [1975] 3 296, CA
 Affirmed [1976] 2 142, HL
 Distinguished, Jaggard v Dickinson [1980] 3 716
- Distillers Co (Biochemicals) Ltd v Thompson (by her next friend Arthur Leslie Thompson) [1971] 1 694, PC
 Applied, Castree v E R Squibb & Sons Ltd [1980] 2 589
- Djemal, University of Essex v. *See* University of Essex v Djemal
- Dodd Properties (Kent) Ltd v Canterbury City Council [1979] 2 118, QBD
 Reversed [1980] 1 928, CA
- Dodds v Walker [1980] 2 507, CA
- Domb v Isoz [1980] 1 942, CA
- Drake v Gray [1936] 1 363, CA
 Dictum considered, Federated Homes Ltd v Mill Lodge Properties Ltd [1980] 1 371
- Drayton Commercial Investment Co Ltd, Stanton (Inspector of Taxes) v. *See* Stanton (Inspector of Taxes) v Drayton Commercial Investment Co Ltd
- Duchess of Kingston's Case [1775-1802] 623, HL
 Applied, McLkenny v Chief Constable of West Midlands Police Force [1980] 2 227
- Dunford v Dunford [1980] 1 122, CA
 Disapproved, Dipper v Dipper [1980] 2 722
- Duomatic Ltd, Re [1969] 1 161, ChD
 Applied, Re Moorgate Mercantile Holdings Ltd [1980] 1 40
- Duport Steels Ltd v Sirs [1980] 1 529, QBD, CA & HL
- Dyson v Kerrier District Council [1980] 3 313, CA
 Considered, R v Hillingdon Borough Council [1980] 3 413
- Dyson Holdings Ltd v Fox [1975] 3 1030, CA
 Applied, Watson v Lucas [1980] 3 647

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- Ealing (London Borough) v, El Isaac. *See* London Borough of Ealing v El Isaac
- Edgar v Edgar [1980] 3 881, CA
- Edison, The [1933] 144, CA, HL
 Distinguished, Dodd Properties (Kent) Ltd v Canterbury City Council [1980] 1 928
 Applied, Raineri v Miles (Wiejski and anor, third parties) [1980] 2 145
- Edmondson's Will Trusts, Re [1971] 3 1121, ChD
 Reversed in part, affirmed in part [1972] 1 444, CA
 Dictum applied, Re Clifford's Settlement Trusts [1980] 1 1013
- Edwards v Halliwell [1950] 2 1064, CA
 Dictum considered, Prudential Assurance Co Ltd v Newman Industries Ltd (No 2) [1980] 2 841
- Edwards, ex parte, R v Corwen Justices. *See* R v Corwen Justices, ex parte Edwards
- Edwards (Inspector of Taxes) v Clinch [1979] 1 648, ChD
 Reversed [1980] 3 278, CA
- Edwards (Inspector of Taxes), Roome v. *See* Roome v Edwards (Inspector of Taxes)
- Edwards (Inspector of Taxes), Winterton v. *See* Winterton v Edwards (Inspector of Taxes)
- Eilbeck (Inspector of Taxes) v Rawling [1980] 2 12, CA
- El Isaac, London Borough of Ealing v. *See* London Borough of Ealing v El Isaac
- Electrical Electronic Telecommunication and Plumbing Union v Times Newspapers Ltd [1980] 1 1097, QBD
- Ellard (Inspector of Taxes), Booth v. *See* Booth v Ellard (Inspector of Taxes)
- Ellesmere Port and Neston Borough Council v Shell UK Ltd [1980] 1 383, CA
- Ellis v Deheer [1922] 451, CA
 Dictum considered, A-G v New Statesman and Nation Publishing Co Ltd [1980] 1 644
- Elsden v Pick [1980] 3 235, CA
- Engineers' and Managers' Association v Advisory, Conciliation and Arbitration Service (No 2) [1979] 3 227, CA
 Reversed [1980] 1 896, HL
- English Sewing Cotton Co Ltd v Inland Revenue Comrs [1947] 1 679, CA
 Applied, Swiss Bank Ltd v Lloyds Bank Ltd [1980] 2 419
- Entry Clearance Officer, Bombay, R v, ex parte Amin. *See* R v Entry Clearance Officer, Bombay, ex parte Amin
- Errington v Errington [1952] 1 149, CA
 Applied, Re Sharpe (a bankrupt), ex parte the trustee of the bankrupt v Sharpe [1980] 1 198
- Evers's Trust, Re [1980] 3 399, CA
- Express Newspapers Ltd v MacShane [1979] 2 360, CA
 Reversed [1980] 1 65, HL
 Followed, Duport Steels Ltd v Sirs [1980] 1 529

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- FMC (Meat) Ltd, Rochdale Metropolitan Borough Council v. *See* Rochdale Metropolitan Borough Council v FMC (Meat) Ltd
- Farrell v Secretary of State for Defence [1980] 1 166, HL
- Federal Commerce and Navigation Ltd v Molena Alpha Inc [1978] 3 1066, CA
- Affirmed in part [1979] 1 307, HL
- Distinguished, Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 571
- Federated Homes Ltd v Mill Lodge Properties Ltd [1980] 1 371, CA
- Felix v General Dental Council [1960] 2 391, PC
- Considered, McEniff v General Dental Council [1980] 1 461
- Finchbourne Ltd v Rodrigues [1976] 3 581, CA
- Distinguished, Frobisher (Second Investments) Ltd v Kiloran Trust Co Ltd [1980] 1 488
- Firestone Tyre and Rubber Co Ltd v Lewellin (Inspector of Taxes) [1956] 1 693, CA
- Affirmed [1957] 1 561, HL
- Distinguished, Alloway v Phillips (Inspector of Taxes) [1980] 3 138
- Firman v Ellis [1978] 2 851, CA
- Applied, Liff v Peasley [1980] 1 623
- Dictum considered, Chappell v Cooper [1980] 2 463
- Disapproved in part, Chappell v Cooper [1980] 2 463
- Considered, Simpson v Norwest Holst Southern Ltd [1980] 2 471
- Folan, R v. *See* R v Folan
- Food Corp of India, China-Pacific SA v. *See* China-Pacific SA v Food Corp of India
- Fothergill v Monarch Airlines Ltd [1977] 3 616, QBD
- Affirmed [1979] 3 445, CA
- Reversed [1980] 2 696, HL
- Considered, Rothmans of Pall Mall (Overseas) Ltd v Saudi Arabian Airlines Corp [1980] 3 359
- Fox v General Medical Council [1960] 3 225, PC
- Applied, McEniff v General Dental Council [1980] 1 461
- Fox, Department of the Environment v. *See* Department of the Environment v Fox
- Francis v Municipal Councilors of Kuala Lumpur [1962] 3 633, PC
- Considered, Gunton v London Borough of Richmond upon Thames [1980] 3 577
- Francis Day and Hunter Ltd, Redwood Music Ltd v. *See* Chappell & Co Ltd v Redwood Music Ltd
- Franks (Alfred) & Bartlett Co Ltd, Bell v. *See* Bell v Alfred Franks & Bartlett Co Ltd
- Freeth v Burr [1874-80] 751, CPD
- Dictum applied, Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 571
- Frobisher (Second Investments) Ltd v Kiloran Trust Co Ltd [1980] 1 488, ChD
- Frost, Newstead (Inspector of Taxes) v. *See* Newstead (Inspector of Taxes) v Frost
- Furse v Inland Revenue Comrs. *See* Furse (deceased), Re
- Furse (deceased), Re [1980] 3 838, ChD

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- Galatia, The. *See* Golodetz (M) & Co Inc v Czarnikow-Rionda Co Inc
- Gamlan Chemical Co (UK) Ltd v Rochem Ltd [1980] 1 1049, CA
- Gammell v Wilson [1980] 2 557, ChD
- Gandolfo v Gandolfo (Standard Chartered Bank Ltd, garnishee) [1980] 1 833, CA
- Garbett, Leung v. *See* Leung v Garbett
- General Dental Council, McEniff v. *See* McEniff v General Dental Council
- General Steam Navigation Co Ltd, Daly v. *See* Daly v General Steam Navigation Co Ltd
- Gilbey v Cossey [1911-13] 644, KBD
- Dictum applied, Verrall v Great Yarmouth Borough Council [1980] 1 839, CA
- Giles v Walker [1886-90] 501, QBD Divl Ct
- Overruled, Leakey v National Trust for Places of Historic Interest or Natural Beauty [1980] 1 17
- Giles, Earl of Normanton v. *See* Normanton (Earl) v Giles
- Glendyne (Lord) v Rapley [1978] 2 110, CA
- Applied, Earl of Normanton v Giles [1980] 1 106
- Gloucestershire County Council, B v. *See* B v Gloucestershire County Council
- Goldman v Hargrave [1966] 2 989, PC
- Applied, Leakey v National Trust for Places of Historic Interest or Natural Beauty [1980] 1 17
- Goleccha International Ltd, Khan v. *See* Khan v Goleccha International Ltd
- Golodetz (M) & Co Inc v Czarnikow-Rionda Co Inc [1979] 2 726, QBD
- Affirmed [1980] 1 501, CA
- Gospel v Purchase (Inspector of Taxes) [1951] 2 1071, HL
- Distinguished, Alloway v Phillips (Inspector of Taxes) [1980] 3 138
- Gotts, Cargill v. *See* Cargill v Gotts
- Governor of Pentonville Prison, R v, ex parte Budlong. *See* R v Governor of Pentonville Prison, ex parte Budlong
- Grant v Allen [1980] 1 720, CA
- Gray's Inn Construction Co Ltd, Re [1980] 1 814, CA
- Greasley v Cooke [1980] 3 710, CA
- Great Yarmouth Borough Council, Verrall v. *See* Verrall v Great Yarmouth Borough Council
- Gregg v Raytheon Ltd *See* Bremer Vulkan Schiffbau Und Maschinenfabrik v South India Shipping Corp
- Gregory, Stonegate Securities Ltd v. *See* Stonegate Securities Ltd v Gregory
- Grosvenor Metal Co Ltd, Re [1949] 2 948, ChD
- Applied, Re Aro Co Ltd [1980] 1 1067
- Gunton v London Borough of Richmond upon Thames [1980] 3 577, CA
- Guyer's Application, Re [1980] 2 520, CA

H

- H (a minor) (wardship : jurisdiction), Re [1978] 2 903, CA
 Dictum considered, B v Gloucestershire County Council [1980] 2 746
- Hadley v Baxendale [1843-60] 461, Ex
 Applied, Lambert v Lewis [1980] 1 978
- Hadley v Droitwich Construction Co Ltd (Joseph Pugsley & Sons Ltd, third party) [1967] 3 911, CA
 Dictum disapproved, Lambert v Lewis [1980] 1 978
- Hadley, Hendy (Inspector of Taxes) v. See Hendy (Inspector of Taxes) v Hadley
- Haines v Herbert [1963] 3 715, CA
 Considered, Regalian Securities Ltd v Ramsden [1980] 2 497
- Halcyon Isle, The. See Bankers Trust International Ltd v Todd Shipyard Corp
- Hall v Avon Area Health Authority (Teaching) [1980] 1 516, CA
- Hall, Jackson v. See Jackson v Hall
- Hammer (No 3), Buttes Gas and Oil Co v. See Buttes Gas and Oil Co v Hammer (No 3)
- Hammersmith Coroner, R v, ex parte Peach. See R v Hammersmith Coroner, ex parte Peach
- Hanlon v Hanlon [1978] 2 889, CA
 Applied, Dunford v Dunford [1980] 1 122
- Hanlon v Law Society [1980] 1 763, CA
 Affirmed in part and reversed in part [1980] 2 199, HL
- Hansson v Hamel and Horley Ltd [1922] 237, HL
 Applied, M Golodetz & Co Inc v Czarnikow-Rionda Co Inc [1980] 1 501
- Harbutt's Plasticine Ltd v Wayne Tank and Pump Co Ltd [1970] 1 225, CA
 Overruled, Photo Production Ltd v Securicor Transport Ltd [1980] 1 556
- Hardwick v Johnson [1978] 2 935, CA
 Applied, Re Sharpe (a bankrupt), ex parte the trustee of the bankrupt v Sharpe [1980] 1 198
- Harnett v Harnett [1973] 2 593, FamD
 Affirmed [1974] 1 764, CA
 Applied, Kokosinski v Kokosinski [1980] 1 1106
- Harris v Bright's Asphalt Contractors Ltd [1953] 1 395, QBD
 Dictum considered, Gammell v Wilson [1980] 2 557
- Harrison v Battye [1974] 2 1201, ChD
 Affirmed on another ground, [1974] 3 830, CA
 Distinguished, Domb v Isoz [1980] 1 942
- Hatfield Justices, R v, ex parte Castle. See R v Hatfield Justices, ex parte Castle
- Hawkins v Bepey [1980] 1 797, QBD
- Haymarket Publishing Ltd, Westminster City Council v. See Westminster City Council v Haymarket Publishing Ltd
- Heaton v Westwater. See Re Clifford's Settlement Trusts
- Heaven v Road and Rail Wagons Ltd [1965] 2 409, QBD
 Approved, Chappell v Cooper [1980] 2 463
- Hedley Byrne & Co Ltd v Heller & Partners Ltd [1961] 3 891, CA
 Affirmed on a different ground [1963] 2 575, HL
 Distinguished, Lambert v Lewis [1980] 1 978
- Helen Slater Charitable Trust Ltd, Inland Revenue Comrs v. See Inland Revenue Comrs v Helen Slater Charitable Trust Ltd
- Helene Roth, The [1980] 1 1078, QBD
- Hendy (Inspector of Taxes) v Hadley [1980] 2 554, ChD
- Henn, R v. See R v Henn
- Henry Head & Co Ltd v Ropner Holdings Ltd [1951] 2 994, ChD
 Followed, Shearer (Inspector of Taxes) v Bercain Ltd [1980] 3 295
- Herbert v Byrne [1964] 1 882, CA
 Considered, Regalian Securities Ltd v Ramsden [1980] 2 497
- Hesperides Hotels v Muftizade [1978] 1 277, CA
 Varied [1978] 2 1168, HL
 Applied, Buttes Gas and Oil Co v Hammer (No 3) [1980] 3 475
- Heyman v Darwins Ltd [1942] 1 337, HL
 Dictum not applied, Bremer Vulkan Schiffbau Und Maschinenfabrik v South India Shipping Corp [1980] 1 420
 Considered, Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd [1980] 3 257
- Heyting v Dupont [1963] 3 97, ChD
 Affirmed [1964] 2 273, CA
 Considered, Prudential Assurance Co Ltd v Newman Industries Ltd (No 2) [1980] 2 841
- Heywood v Hull Prison Board of Visitors [1980] 3 594, ChD
- Hickley, Bell v. See Bell's Indenture, Re
- Hill v Archbold [1967] 1 1038, QBD
 Affirmed [1967] 3 110, CA
 Applied, Trendtex Trading Corp v Crédit Suisse [1980] 3 721
- Hill v Baxter [1958] 1 193, QBD
 Applied, Roberts v Ramsbottom [1980] 1 7
- Hill v C A Parsons & Co Ltd [1971] 3 1345, CA
 Considered, Gunton v London Borough of Richmond upon Thames [1980] 3 577
- Hillingdon Borough Council, R v, ex parte Streeting. See R v Hillingdon Borough Council, ex parte Streeting
- Hinds v The Queen [1976] 1 353, PC
 Dictum applied, Stone v The Queen [1980] 3 148
- Holliday, (a bankrupt), Re, ex parte the trustee of the bankrupt v The bankrupt [1980] 3 385, CA
- Hollington v Hewthorn (F) & Co Ltd [1943] 2 35, CA
 Distinguished, McKenny v Chief Constable of West Midlands Police Force [1980] 2 227
- Holman v Johnson [1775-1802] 98, KB
 Dictum distinguished, Shelley v Paddock [1980] 1 1009
- Holmes, R v. See R v Holmes

- Holt Southey Ltd v Catnic Components Ltd [1978] 2 276, ChD
 Dictum disapproved, Stonegate Securities Ltd v Gregory [1980] 1 241
- Hong Kong and Shanghai Banking Corp'n, Yeung v. *See* Yeung v Hong Kong and Shanghai Banking Corp'n
- Hook, ex parte, R v Clerk to Lancashire Police Committee. *See* R v Clerk to Lancashire Police Committee, ex parte Hook
- Horford Investments Ltd v Lambert [1974] 1 131, CA
 Considered, Regalian Securities Ltd v Ramsden [1980] 2 497
- Hornal v Neuberger Products Ltd [1956] 3 970, CA
 Dictum applied, Whitehouse v Jordan [1980] 1 650
- Horwitz v Rowson [1960] 2 881, QBD
 Dictum disapproved, Newbury District Council v Secretary of State for the Environment [1980] 1 731
- House Property & Investment Co Ltd, Re [1953] 2 1525, ChD
 Considered, Re R-R Realisations Ltd (formerly Rolls-Royce Ltd) [1980] 1 1019
- Howard Marine & Dredging Co Ltd v A Ogden & Sons (Excavations) Ltd [1978] 2 1134, CA
 Distinguished, Lambert v Lewis [1980] 1 978
- Howe, Worsfold v. *See* Worsfold v Howe
- Howkins v Jardine [1951] 1 320, CA
 Dictum applied, Wetherall v Smith [1980] 2 530
- Hoystead v Taxation Comr [1925] 56, PC
 Dictum applied, Khan v Golechha International Ltd [1980] 2 259
- Hucklebridge, R v. *See* R v Hucklebridge
- Hull Prison Board of Visitors, Heywood v. *See* Heywood v Hull Prison Board of Visitors
- Hume (Inspector of Taxes) v Asquith [1969] 1 868, ChD
 Distinguished, Alloway v Phillips (Inspector of Taxes) [1980] 3 138
- Hussey v Palmer [1972] 3 744, CA
 Explained, Re Sharpe (a bankrupt), ex parte the trustee of the bankrupt v Sharpe [1980] 1 198
- Hyman v Hyman [1929] 245, HL
 Applied, Edgar v Edgar [1980] 3 881
- Hyundai Heavy Industries Co Ltd v Papadopoulos [1980] 2 29, HL
- I
- Immigration Appeal Tribunal, Kassam v. *See* Kassam v Immigration Appeal Tribunal
- Imperial Tobacco Ltd v Attorney-General [1979] 2 592, CA
 Reversed [1980] 1 866, HL
- Incorporated Council of Law Reporting for England and Wales, The v Attorney-General [1971] 1 436, ChD
 Affirmed [1971] 3 1029, CA
 Dictum considered, Barralet v Attorney-General [1980] 3 918
- Infabrics Ltd v Jaytex Ltd [1980] 2 669, CA
- Ingles, Marren (Inspector of Taxes) v. *See* Marren (Inspector of Taxes) v Ingles
- Initial Services Ltd v Putterill [1967] 3 145, CA
 Applied, Bankers Trust Co v Shapira [1980] 3 353
- Inland Revenue Comrs v Duke of Westminster [1935] 259, HL
 Explained, Pritchard v Briggs [1980] 1 294
- Inland Revenue Comrs v Helen Slater Charitable Trust Ltd [1980] 1 785, ChD
- Inland Revenue Comrs v Lysaght [1928] 575, HL
 Considered, R v London Borough of Barnet, ex parte Shah [1980] 3 679
- Inland Revenue Comrs v McMullen [1978] 1 230, ChD
 Affirmed [1979] 1 588, CA
 Reversed [1980] 1 884, HL
- Inland Revenue Comrs v Montgomery [1975] 1 664, ChD
 Dictum disapproved, Marren (Inspector of Taxes) v Ingles [1980] 3 95
- Inland Revenue Comrs v Plummer [1977] 3 1009, ChD
 Affirmed [1978] 3 513, CA
 Affirmed [1979] 3 775, HL
- Inland Revenue Comrs v Rosminster Ltd [1979] 3 385, QBD & CA
 Reversed [1980] 1 80, HL
- Inland Revenue Comrs v Plummer [1977] 3 1009, ChD
 Applied, Berry v Warnett (Inspector of Taxes) [1980] 3 798
- Inland Revenue Comrs, Furse v. *See* Furse (deceased), Re
- Inland Revenue Comrs, Pearson v. *See* Pearson v Inland Revenue Comrs
- Inland Revenue Comrs, R v, ex parte National Federation of Self-Employed and Small Businesses Ltd. *See* R v Inland Revenue Comrs, ex parte National Federation of Self-Employed and Small Businesses Ltd
- Inland Revenue Comrs, Simmons (as liquidator of Lionel Simmons Properties Ltd) v. *See* Simmons (as liquidator of Lionel Simmons Properties Ltd) v Inland Revenue Comrs
- Inland Revenue Comrs, Von Ernst & Cie SA v. *See* Von Ernst & Cie SA v Inland Revenue Comrs
- Inland Revenue Comrs, Williams v. *See* Williams v Inland Revenue Comrs
- Intercontinental Natural Resources Ltd, NV Slavenburg's Bank v. *See* NV Slavenburg's Bank v Intercontinental Natural Resources Ltd
- International Bulkcarriers SA, Mareva Compania Naviera SA v. *See* Mareva Compania Naviera SA v International Bulkcarriers SA
- Iraqi Ministry of Defence v Arcepey Shipping Co SA (Gillespie Brothers & Co Ltd intervening) [1980] 1 480, QBD
- Isoz, Domb v. *See* Domb v Isoz

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- J (HD) v J (AM) [1980] 1 156, FamD
 J S (a minor), Re [1980] 1 1061, CA
 Jackson v Hall [1979] 1 449, CA
 Reversed [1980] 1 177, HL
 Jackson v Horizon Holidays Ltd [1975] 3 92, CA
 Dictum disapproved, Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 571
 Explained, Woodar Investment Development Ltd v Wimpey Construction UK Ltd [1980] 1 571
 Jaggard v Dickinson [1980] 3 716, QBD
 Jambo Holdings Ltd, Allen v. See Allen v Jambo Holdings Ltd
 Jaytex Ltd, Infabrics Ltd v. See Infabrics Ltd v Jaytex Ltd
 Jessel v Jessel [1979] 3 645, CA
 Applied, Dunford v Dunford [1980] 1 122
 Jobling v Associated Dairies Ltd [1980] 3 769, CA
 Johnson v Agnew [1978] 3 314, CA
 Varied [1979] 1 883, HL
 Dictum applied, Domb v Isoz [1980] 1 942
 Johnson, Oram (Inspector of Taxes) v. See Oram (Inspector of Taxes) v Johnson
 Johnson (B) & Co (Builders) Ltd v Minister of Health [1947] 2 395, CA
 Dictum applied, Bushell v Secretary of State for the Environment [1980] 2 608
 Jones v Challenger [1960] 1 785, CA
 Applied, Re Holliday (a bankrupt), ex parte the trustee of the bankrupt v The bankrupt [1980] 3 385
 Considered, Re Evers's Trust [1980] 3 399
 Jones v Jones [1975] 2 12, CA
 Applied, J (HD) v J (AM) [1980] 1 156
 Applied, Kokosinski v Kokosinski [1980] 1 1106
 Jordan, Whitehouse v. See Whitehouse v Jordan
 Jull, Supplementary Benefits Commission v. See Supplementary Benefits Commission v Jull

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- K v JMP Co Ltd [1975] 1 1030, CA
 Dictum disapproved, Supplementary Benefits Commission v Jull [1980] 3 65
 K (H) (an infant), Re [1967] 1 226, QBD
 Dictum applied, R v Secretary of State for Trade, ex parte Perestrello [1980] 3 28
 Kandalla v British Airways Board (formerly British European Airways Corp'n) [1980] 1 341, QBD
 Considered, Gammell v Wilson [1980] 2 557
 Karak Rubber Co Ltd v Burden [1971] 3 1118, ChD
 Considered, London and County Securities Ltd v Nicholson [1980] 3 861
 Kashayar Kharrazi, ex parte, R v Chief Immigration Officer, Gatwick Airport, See R v Chief Immigration Officer, Gatwick Airport, ex parte Kashayar Kharrazi
 Kassam v Immigration Appeal Tribunal [1980] 2 330, CA
 Katz v Katz [1972] 3 219, FamD
 Applied, J (HD) v J (AM) [1980] 1 156
 Keet, Re [1904-7] 836, CA
 Dictum considered, Re a debtor (No 37 of 1976, Liverpool), ex parte Taylor v The debtor [1980] 1 129
 Kennaway v Thompson [1980] 3 329, CA
 Kerrier District Council, Dyson v. See Dyson v Kerrier District Council
 Khan v Goleccha International Ltd [1980] 2 259, CA
 Khan v Khan [1980] 1 497, FamD
 Khan, ex parte, R v Secretary of State for the Home Department. See R v Secretary of State for the Home Department, ex parte Khan
 Kidson (Inspector of Taxes) v Macdonald [1974] 1 849, ChD
 Followed, Booth v Ellard (Inspector of Taxes) [1980] 3 569
 Kiloran Trust Co Ltd, Frobisher (Second Investments) Ltd v. See Frobisher (Second Investments) Ltd v Kiloran Trust Co Ltd
 Kilvert (decd), Re [1957] 2 196, ChD
 Distinguished, Re Bourke's Will Trusts [1980] 1 219
 King v Victor Parsons & Co (a firm) [1972] 2 625, QBD
 Affirmed on other grounds [1973] 1 206, CA
 Dictum applied, Bartlett v Barclays Bank Trust Co Ltd [1980] 1 139
 Kirby v Manpower Services Commission [1980] 3 334, EAT
 Kiriri Cotton Co Ltd v Dewani [1960] 1 177, PC
 Dictum applied, Shelley v Paddock [1980] 1 1009
 Kirklees Area Health Authority, Rahman v. See Rahman v Kirklees Area Health Authority
 Kitchen v Royal Air Force Assn [1958] 2 241, CA
 Applied, Bartlett v Barclays Bank Trust Co Ltd [1980] 1 139
 Klouda v Lloyds Bank Ltd. See Re Stott (deceased)
 Kokosinski v Kokosinski [1980] 1 1106, FamD
 Kolcznski, Re [1955] 1 31, QBD Divl Ct
 Applied, R v Governor of Pentonville Prison, ex parte Budlong [1980] 1 701

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- Lambert v Lewis [1980] 1 978, CA
 Landau v Sloane [1980] 2 539, CA

- Larrinaga & Co Ltd v Société Franco-Américaine des Phosphates de Médulla, Paris [1923] 1, HL
 Applied, Pioneer Shipping Ltd v BTP Tioxide Ltd [1980] 3 117
 Law Society, Hanlon v. *See* Hanlon v Law Society
 Law Society, Swain v. *See* Swain v Law Society
 Leakey v National Trust for Places of Historic Interest or Natural Beauty [1978] 3 234, QBD
 Affirmed [1980] 1 17, CA
 Leung v Garbett [1980] 2 436, CA
 Leslie (J) Engineers Co Ltd (in liquidation), Re [1976] 2 85, ChD
 Dictum applied, Re Gray's Inn Construction Co Ltd, [1980] 1 814
 Levene v Inland Revenue Comrs [1928] 746, HL
 Considered, R v London Borough of Barnet, ex parte Shah [1980] 3 679
 Levermore v Levermore [1980] 1 1, FamD
 Lewis, Lambert v. *See* Lambert v Lewis
 Liff v Peasley [1980] 1 623, CA
 Linzi Dresses Ltd, Samuels v. *See* Samuels v Linzi Dresses Ltd
 Lister & Co v Stubbs [1886-90] 797, CA
 Considered, Barclay-Johnson v Yuill [1980] 3 190
 Liverpool City Council v Irwin [1975] 3 658, CA
 Affirmed in part [1976] 2 39, HL
 Considered, Bremer Vulcan Schiffbau Und Maschinenfabrik v South India Shipping Corpn [1980] 1 420
 Lloyds Bank Ltd, Swiss Bank Corpn v. *See* Swiss Bank Corpn v Lloyds Bank Ltd
 London and County Securities Ltd v Nicholson [1980] 3 861, ChD
 London and South Western Railway Co v Gomm [1881-5] 1190, CA
 Applied, Pritchard v Briggs [1980] 1 294
 Dicta applied, Property Discount Corpn Ltd v Lyon Group Ltd [1980] 1 334
 London Borough of Ealing v El Isaac [1980] 2 548, CA
 London Borough of Barnet, R v, ex parte Shah. *See* R v London Borough of Barnet, ex parte Shah
 London Borough of Richmond upon Thames, Gunton v. *See* Gunton v London Borough of Richmond upon Thames
 Lucas, Watson v. *See* Watson v Lucas
 Lucking's Will Trusts, Re [1967] 3 726, ChD
 Applied, Bartlett v Barclays Bank Trust Co Ltd [1980] 1 139
 Lucy v W T Henleys Telegraph Works Co Ltd (I C I Ltd, third party) [1969] 3 456, QBD and CA
 Considered, Liff v Peasley [1980] 1 623
 Ludlow v Metropolitan Police Comr [1969] 3 701, CA
 Affirmed [1970] 1 567, HL
 Applied, R v Hatfield Justices, ex parte Castle [1980] 3 509
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 Dictum followed, Brown (Inspector of Taxes) v Burnley Football and Athletic Co Ltd [1980] 3 244
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 Considered, Safeguard Industrial Investments Ltd v National Westminster Bank Ltd [1980] 3 849
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 Considered, Liff v Peasley [1980] 1 623
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 Applied, Trendtex Trading Corpn v Crédit Suisse [1980] 3 721
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 Reversed [1978] 1 625, HL
 Applied, Castanho v Brown & Root (UK) Ltd [1980] 1 689
 Applied, Trendtex Trading Corpn v Crédit Suisse [1980] 3 721
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 Dictum approved, Stonegate Securities Ltd v Gregory [1980] 1 241
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 Considered, Barclay-Johnson v Yuill [1980] 3 190
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 Marsden v Birmingham Licensing JJ [1975] 3 517, Crown Ct
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 Considered, Gunton v London Borough of Richmond upon Thames [1980] 3 577
 Martell v Consett Iron Co Ltd [1954] 3 339, ChD
 Approved, Trendtex Trading Corpn v Crédit Suisse [1980] 3 721
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 Applied, McEniff v General Dental Council [1980] 1 461
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- Meaney, Wadham Stringer Finance Ltd v. *See* Wadham Stringer Finance Ltd v Meaney
 Medway Oil and Storage Co Ltd v Continental Contractors Ltd [1928] 330, HL
 Applied, Millican v Tucker [1980] 1 1083
 Megarity v D J Ryan & Sons Ltd [1980] 2 832, CA
 Megarity v D J Ryan & Sons Ltd (No 2) [1980] 3 602, CA
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 [1937] 1 231, KBD
 Distinguished, NV Slavenburg's Bank v Intercontinental Natural Resources Ltd [1980] 1 955
 Mesco Properties Ltd, Re [1979] 1 302, ChD
 Affirmed [1980] 1 117, CA
 Mesher v Mesher and Hall (1973) [1980] 1 126, CA
 Metropolitan Properties Co (FGC) Ltd v Lannon [1968] 1 354, QBD
 Reversed in part [1968] 3 304, CA
 Distinguished, R v Secretary of State for Trade, ex parte Perestrello [1980] 3 28
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 Considered, Kennaway v Thompson [1980] 3 329
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 Miliangos v George Frank (Textiles) Ltd [1975] 1 1076, CA
 Affirmed [1975] 3 801, HL
 Dictum distinguished, Dodd Properties (Kent) Ltd v Canterbury City Council [1980] 1 928
 Mill Lodge Properties Ltd, Federated Homes Ltd v. *See* Federated Homes Ltd v Mill Lodge Properties
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 Miller v Jackson [1977] 3 338, CA
 Considered, Kennaway v Thompson [1980] 3 329
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 Considered, McKenny v Chief Constable of West Midlands Police Force [1980] 2 227
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 Dictum considered, Megarity v D J Ryan & Sons Ltd (No 2) [1980] 3 602
 Minton v Minton [1979] 1 79, HL
 Applied, Dunford v Dunford [1980] 1 122
 Distinguished, Carter v Carter [1980] 1 827
 Dictum explained, Dipper v Dipper [1980] 2 722
 Mitchell v Harris Engineering Co Ltd [1967] 2 682, CA
 Applied Liff v Peasley [1980] 1 623
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 Engineering (Bristol) Ltd
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 Monica S, The [1967] 3 740, Adm
 Dictum explained, Re Aro Co Ltd [1980] 1 1067
 Monro (George) Ltd v American Cyanamid and Chemical Corp'n [1944] 1 386, CA
 Dictum applied, Castree v E R Squibb & Sons Ltd [1980] 2 589
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 420
 Moore v Hewitt [1947] 2 270, KBD
 Considered, Parsons v F W Woolworth & Co Ltd [1980] 3 456
 Followed, Robinson v Whittle [1980] 3 459
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 Reversed [1980] 2 753, HL
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 Affirmed [1972] 2 393, HL
 Dicta applied, Hyundai Heavy Industries Co Ltd v Papadopoulos [1980] 2 29
 Mounsdon v Weymouth & Melcombe Regis Corp'n [1960] 1 538, QBD
 Applied, Newbury District Council v Secretary of State for the Environment [1980] 1 731
 Mowbray v Merryweather [1895-99] 941, CA
 Applied, Lambert v Lewis [1980] 1 978
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 Nadler Enterprises Ltd, Re [1980] 3 350, ChD
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 Hospital
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 Considered, Electrical Electronic Telecommunication and Plumbing Union v Times Newspapers Ltd
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- New Zealand Shipping Co Ltd, The v A M Satterthwaite & Co Ltd [1974] 1 1015, PC
Explained, Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd [1980] 3 257
- Newbury District Council v International Synthetic Rubber Co Ltd. *See* Newbury District Council v Secretary of State for the Environment
- Newbury District Council v Secretary of State for the Environment [1979] 1 243, CA
Reversed [1980] 1 731, HL
- Newhart Developments Ltd v Co-operative Commercial Bank Ltd [1978] 2 896, CA
Dictum considered, Bacal Contracting Ltd v Modern Engineering (Bristol) Ltd [1980] 2 655
- Newman v Bennett [1980] 3 449, QBD
- Newman Industries Ltd (No 2), Prudential Assurance Co Ltd v. *See* Prudential Assurance Co Ltd v Newman Industries Ltd (No 2)
- Newstead (Inspector of Taxes) v Frost [1978] 2 241, ChD
Affirmed [1979] 2 129, CA
Affirmed [1980] 1 363, HL
- Nicholson, London and County Securities Ltd v. *See* London and County Securities Ltd v Nicholson
- Noad (decd), Re [1951] 1 467, ChD
Applied, Re Bourke's Will Trusts [1980] 1 219
- Noble v Harrison [1926] 284, KBD Divl Ct
Dicta applied, Leakey v National Trust for Places of Historic Interest or Natural Beauty [1980] 1 17
- Non-Metallic Mineral Products Manufacturing Employees Union, South East Asia Fire Bricks Sdn Bhd v. *See* South East Asia Fire Bricks Sdn Bhd v Non-Metallic Mineral Products Manufacturing Employees Union
- Normanton (Earl) v Giles [1980] 1 106, HL
- Norwest Holst Ltd v Department of Trade [1978] 3 280, ChD & CA
Considered, Cinnamon v British Airways Authority [1980] 2 368
Explained, R v Secretary of State for Trade, ex parte Perestrello [1980] 3 28
- Norwest Holst Southern Ltd, Simpson v. *See* Simpson v Norwest Holst Southern Ltd
- Norwich Pharmacal Co v Comrs of Customs and Excise [1972] 1 972, ChD
Reversed [1972] 3 813, CA
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Dictum applied Bankers Trust Co v Shapira [1980] 3 353
- Note (A-G's guidelines on jury checks) [1980] 2 457, [1980] 3 785
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Affirmed [1938] 4 545, CA
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Dictum followed, Robinson (Inspector of Taxes) v Scott Bader Co Ltd [1980] 2 780
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Affirmed for reasons partly different [1961] 3 323, CA
Dictum considered, Gammell v Wilson [1980] 2 557
- Oliver, Customs and Excise Comrs v. *See* Customs and Excise Comrs v Oliver
- O'May v City of London Real Property Co Ltd [1980] 3 466, CA
- Oram (Inspector of Taxes) v Johnson [1980] 2 1, ChD
- Ord v Ord [1923] 206, KBD
Dictum applied, Khan v Goleccha International Ltd [1980] 2 259
- Ormrod v Wilkinson, Re Scowcroft [1895-9] 274, ChD
Applied, Barralet v Attorney-General [1980] 3 918
- Orpin, R v. *See* R v Orpin
- Osoba (deceased), Re [1978] 2 1099, ChD
Varied [1979] 2 393, CA
Considered, Re Bourke's Will Trusts [1980] 1 219
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- Ostreicher v Secretary of State for the Environment [1978] 1 591, QBD
Affirmed [1978] 3 82, CA
Dictum applied, Co-operative Retail Services Ltd v Secretary of State for the Environment [1980] 1 449
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- Owens v Brimmell [1976] 3 765, QBD
Dictum considered, Ashton v Turner [1980] 3 870
- Oxford City Council, Post Office v. *See* Post Office v Oxford City Council

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- Paddock, Shelley v. *See* Shelley v Paddock
- Palmer v Carey [1926] 650, PC
Applied, Swiss Bank Corp v Lloyds Bank Ltd [1980] 2 419

- Palser v Grinling** [1946] 2 287, CA
 Affirmed [1948] 1 1, HL
 Dictum applied, A-G of the Duchy of Lancaster v G E Overton (Farms) Ltd [1980] 3 503
- Papadopoulos, Hyundai Heavy Industries Co Ltd v.** See **Hyundai Heavy Industries Co Ltd v Papadopoulos**
- Papps v Evers.** See **Evers's Trust, Re**
- Parrish (Inspector of Taxes), Ang v.** See **Ang v Parrish (Inspector of Taxes)**
- Parry v Cleaver** [1967] 2 1168, CA
 Reversed [1969] 1 555, HL
 Considered, **Nabi v British Leyland (UK) Ltd** [1980] 1 667
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 Applied, **Nabi v British Leyland (UK) Ltd** [1980] 1 667
- Parsons v Woolworth (F W) & Co Ltd** [1980] 3 456, QBD
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 Considered, **Prudential Assurance Co Ltd v Newman Industries Ltd (No 2)** [1980] 2 841
- Peach, ex parte, R v Hammersmith Coroner.** See **R v Hammersmith Coroner, ex parte Peach**
- Pearce, Duff & Co Ltd, Re** [1960] 3 222, ChD
 Applied, **Re Moorgate Mercantile Holdings Ltd** [1980] 1 40
- Pearlman v Keepers and Governors of Harrow School** [1979] 1 365, CA
 Dictum applied, **Re a Company** [1980] 1 284
 Disapproved, **Re Racial Communications Ltd** [1980] 2 634
 Dictum approved, **South East Asia Fire Bricks Sdn Bhd v Non-Metallic Mineral Products Manufacturing Employees Union** [1980] 2 689
- Pearson v Inland Revenue Comrs** [1979] 1 273, ChD
 Affirmed [1979] 3 7, CA
 Reversed [1980] 2 479, HL
- Peasley, Liff v.** See **Liff v Peasley**
- Perestrello, ex parte, R v Secretary of State for Trade.** See **R v Secretary of State for Trade, ex parte Perestrello**
- Pergamon Press Ltd, Re** [1970] 2 449, ChD
 Affirmed [1970] 3 535, CA
 Considered, **R v Secretary of State for Trade, ex parte Perestrello** [1980] 3 28
 Distinguished, **London and County Securities Ltd v Nicholson** [1980] 3 861
- Perrot v Supplementary Benefits Commission** [1980] 3 110, CA
- Perry (Howard E) & Co Ltd v British Railways Board** [1980] 2 579, ChD
- Phillips v Ward** [1956] 1 874, CA
 Dictum disapproved, **Dodd Properties (Kent) Ltd v Canterbury City Council** [1980] 1 928
- Phillips v Lamdin** [1949] 1 770, KBD
 Applied, **Raineri v Miles (Wiejski and anor, third parties)** [1980] 2 145
- Phillips (Inspector of Taxes), Alloway v.** See **Alloway v Phillips (Inspector of Taxes)**
- Photo Production Ltd v Securicor Transport Ltd** [1978] 3 146, CA
 Reversed [1980] 1 556, HL
 Considered, **Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd** [1980] 3 257
- Pick, Elsdon v.** See **Elsdon v Pick**
- Pickett v British Rail Engineering Ltd** [1979] 1 774, HL
 Considered, **Kandalla v British Airways Board (formerly British European Airways Corpn)** [1980] 1 341
 Dictum applied, **Gammell v Wilson** [1980] 2 557
 Considered, **Gammell v Wilson** [1980] 2 557
- Pioneer Shipping Ltd v BTP Tioxide Ltd** [1980] 3 117, CA
- Player v Bruguere.** See **Chappell v Cooper**
- Poland v Earl Cadogan** [1980] 3 544, CA
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- Post Office v Oxford City Council** [1980] 2 439, CA
- Price, Re** [1943] 2 505, ChD
 Dictum applied, **Barralet v Attorney General** [1980] 3 918
- Prince Abdul Rahman Bin Turki Al Sudairy v Abu-Taha** [1980] 3 409, CA
- Pritchard v Briggs** [1978] 1 886, ChD
 Reversed [1980] 1 294, CA
- Property Discount Corpn v Lyon Group Ltd** [1980] 1 334, ChD
- Prouse, Seamark v.** See **Seamark v Prouse**
- Prudential Assurance Co Ltd v Newman Industries Ltd (No 2)** [1980] 2 841, ChD
- Public Trustee v Hood, Re Hood** [1930] 215, CA
 Applied, **Barralet v Attorney-General** [1980] 3 918

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Queen, The, Stone v. See **Stone v The Queen**

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- R v Area Committee No 1 (London) Legal Aid Area, ex parte Rondel** [1967] 2 419, QBD
 Dictum considered, **Megarity v D J Ryan & Sons Ltd (No 2)** [1980] 3 602
- R v Armstrong** [1922] 153, CCA
 Dictum considered, **A-G v New Statesman and Nation Publishing Co Ltd** [1980] 1 644
- R v Barnes Borough Council, ex parte Conlan** [1936] 3 226, KBD
 Applied, **R v Clerk to Lancashire Police Committee, ex parte Hook** [1980] 2 353

- R v Bloomsbury and Marylebone County Court, ex parte Villerwest Ltd [1975] 2 562, QBD
Reversed [1976] 1 897, CA
Dictum applied, Samuels v Linzi Dresses Ltd [1980] 1 803
- R v Bristol City Council, ex parte Browne [1979] 3 344, QBD
Considered, R v Hillingdon Borough Council [1980] 3 413
- R v Brixton Prison Governor, ex parte Gardner [1968] 1 636, QBD
Distinguished and doubted, R v Governor of Pentonville Prison, ex parte Budlong [1980] 1 701
- R v Bromley Magistrates' Court, ex parte Waitrose Ltd [1980] 3 464, QBD
- R v Burt, ex parte Presbury [1960] 1 424, QBD
Dictum applied, Hawkins v Bepey [1980] 1 797
- R v Chatwood [1980] 1 467, CA
- R v Cheltenham Justices, ex parte Secretary of State for Trade [1977] 1 460, QBD
Distinguished, London and County Securities Ltd v Nicholson [1980] 3 861
- R v Chief Immigration Officer, Gatwick Airport, ex parte Kashayar Kharrazi [1980] 3 373, CA
- R v Clerk to Lancashire Police Committee, ex parte Hook [1980] 2 353, CA
- R v Commission for Racial Equality, ex parte Cottrell & Rothon (a firm) [1980] 3 265, QBD
- R v Corwen Justices, ex parte Edwards [1980] 1 1035, QBD
- R v Crown Court at Croydon, ex parte Bernard [1980] 3 106, QBD
- R v Crown Court at Sheffield, ex parte Brownlow [1980] 2 444, QBD & CA
- R v Cuthbertson [1980] 2 401, HL
- R v Darby. See R v Henn
- R v Deacon [1973] 2 1145, CA
Distinguished, R v Spratt [1980] 2 269
- R v Entry Clearance Officer, Bombay, ex parte Amin [1980] 2 837, QBD
- R v Folan [1980] 1 217, CA
- R v Gaming Board for Great Britain, ex parte Benaim [1970] 2 528, CA
Considered, Cinnamon v British Airports Authority [1980] 2 368
Considered, R v Secretary of State for Trade, ex parte Perestrello [1980] 3 28
- R v George Maxwell (Developments) Ltd [1980] 2 99, Crown Ct
- R v Governor of Pentonville Prison, ex parte Budlong [1980] 1 701, QBD
- R v Greater London Council, ex parte Blackburn [1976] 3 184, CA
Applied, R v Inland Revenue Comrs, ex parte National Federation of Self-Employed and Small Businesses Ltd [1980] 2 378
- R v Hammersmith Coroner, ex parte Peach [1980] 2 7, CA
- R v Hatfield Justices, ex parte Castle [1980] 3 509, QBD
- R v Henn [1978] 3 1190, CA
Affirmed on other grounds [1980] 2 145, CJEC & HL
- R v Hillingdon Borough Council, ex parte Streeting [1980] 3 413, QBD & CA
- R v Holmes [1980] 2 458, CA
- R v Hucklebridge [1980] 3 273, CA
- R v Hull Prison Board of Visitors, ex parte St Germain (No 2) [1979] 3 545, QBD
Distinguished, R v Commission for Racial Equality, ex parte Cottrell & Rothon (a firm) [1980] 3 265
- R v Inland Revenue Comrs, ex parte National Federation of Self-Employed and Small Businesses Ltd [1980] 2 378, QBD & CA
- R v Inland Revenue Comrs, ex parte Rossminster Ltd. See Inland Revenue Comrs v Rossminster Ltd
- R v London Borough of Barnet, ex parte Shah [1980] 3 679, QBD
Applied, Cicutti v Suffolk County Council [1980] 3 689
- R v Lowe [1973] 1 805, CA
Overruled, R v Sheppard [1980] 3 899
- R v MacDonagh [1974] 2 257, QBD
Applied, McQuaid v Anderton [1980] 3 540
- R v Mason [1980] 3 777, CA
- R v Menocal [1978] 3 961, CA
Reversed [1979] 2 510, HL
Distinguished, R v Saville [1980] 1 861
- R v Metropolitan Police Comr, ex parte Blackburn [1968] 1 763, CA
Considered, Department of the Environment v Fox [1980] 1 58
Dictum applied, Hawkins v Bepey [1980] 1 797
- R v Michael [1976] 1 629, Crown Ct
Applied, R v Saville [1980] 1 861
- R v Murphy (William) [1980] 2 325, CA
- R v Nazari [1980] 3 880, CA
- R v Nottingham Justices, ex parte Davies [1980] 2 775, QBD
- R v Orpin [1980] 2 321, CA
- R v Registrar General, ex parte Segerdal [1970] 1 1, QBD
Affirmed [1970] 3 886, CA
Dictum applied, Barralet v Attorney-General [1980] 3 918
- R v Sang [1979] 2 46, CA
Affirmed [1979] 2 1222, HL
Applied, R v Adams [1980] 1 473
Distinguished, Morris v Beardmore [1980] 2 753
- R v Saville [1980] 1 861, CA
- R v Secretary of State for the Home Department, ex parte Akhtar [1980] 1 1089, QBD
Affirmed [1980] 2 735, CA
- R v Secretary of State for the Home Department, ex parte Khan [1980] 2 337, CA
Disapproved, R v Secretary of State for the Home Department, ex parte Zamir [1980] 2 768
- R v Secretary of State for the Home Department, ex parte Ram [1979] 1 687, QBD
Distinguished, R v Secretary of State for the Home Department, ex parte Zamir [1980] 1 1041
- R v Secretary of State for the Home Department, ex parte Zamir [1979] 2 849, QBD
Affirmed [1980] 1 1041, CA
Distinguished, R v Secretary of State for the Home Department, ex parte Khan [1980] 2 337
Affirmed [1980] 2 768, HL

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- R v Senior [1895-99] 511, CCR
Explained, R v Sheppard [1980] 3 899
- R v Shaw [1980] 2 433, CA
- R v Sheppard [1980] 3 899, HL
- R v Spratt [1980] 2 269, CA
- R v Stephenson [1979] 2 1198, CA
Explained, R v Orpin [1980] 2 321
- R v Thompson [1980] 2 102, CA & CJEC
- R v Torbay Licensing Justices, ex parte White [1980] 2 25, QBD
- R v Torquay Licensing Justices, ex parte Brockman [1951] 2 656, KBD
Applied, R v Torbay Licensing Justices, ex parte White [1980] 2 25
- R v Watson [1980] 2 293, CA
- R v Wilkinson [1980] 1 597, QBD
- R v Wilson [1980] 1 1093, CA
- R (decd), Re [1950] 2 117, Prob
Distinguished, Re Stott (deceased) [1980] 1 259
- Racal Communications Ltd, Re [1980] 1 284, CA
Reversed [1980] 2 634, HL
- Radford v De Froberville [1978] 1 33, ChD
Dictum approved, Dodd Properties (Kent) Ltd v Canterbury City Council [1980] 1 928
- Rahman v Kirklees Area Health Authority [1980] 3 610, CA
- Raineri v Miles (Wiejski and anor, third parties) [1979] 3 763, CA
Affirmed [1980] 2 145, HL
- Ramsbottom, Roberts v. See Roberts v Ramsbottom
- Ramsden, Regalian Securities Ltd v. See Regalian Securities Ltd v Ramsden
- Rank Film Distributors Ltd v Video Information Centre [1980] 2 273, CA
- Rashid, Siddiqui v. See Siddiqui v Rashid
- Rasu Maritima SA v Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina) and Government of Indonesia (as interveners) [1977] 3 324, CA
Dictum explained, Chartered Bank v Daklouch [1980] 1 205
Considered, Barclay-Johnson v Yuill [1980] 3 190
- Rawling, Eilbeck (Inspector of Taxes) v. See Eilbeck (Inspector of Taxes) v Rawling
- Reader's Digest Association Ltd v Williams [1976] 3 737, QBD
Dictum applied, Imperial Tobacco Ltd v Attorney-General [1980] 1 866
- Redfern v Redfern [1886-90] 524, CA
Dictum applied, Rank Film Distributors Ltd v Video Information Centre [1980] 2 273
- Redman (Builders) Ltd, Re [1964] 1 851, ChD
Applied, Re Aro Co Ltd, [1980] 1 1067
- Redspring Ltd v Francis [1973] 1 640, CA
Distinguished, Siddiqui v Rashid [1980] 3 184
- Redwood Music Ltd v Francis Day and Hunter Ltd. See Chappell & Co Ltd v Redwood Music Ltd
- Redwood Music Ltd, Chappell & Co Ltd v. See Chappell & Co Ltd v Redwood Music Ltd
- Reeve, Barrass v. See Barrass v Reeve
- Regalian Securities Ltd v Ramsden [1980] 2 497, CA
- Renouf v A-G for Jersey [1936] 1 936, PC
Dictum considered, Re a debtor, ex parte Viscount of the Royal Court of Jersey [1980] 3 665
- Richmond upon Thames (London Borough), Gunton v. See Gunton v London Borough of Richmond upon Thames
- Riddick v Thames Board Mills Ltd [1977] 3 677, CA
Distinguished, Rank Film Distributors Ltd v Video Information Centre [1980] 2 273
- Rio Tinto Zinc Corp v Westinghouse Electric Corp (reversing decision of CA [1977] 3 703) [1978] 1 434, HL
Applied, Rank Film Distributors Ltd v Video Information Centre [1980] 2 273
- Ripington v Hicks & Son (Oxford) Ltd [1949] 1 239, KBD
Considered, Parsons v F W Woolworth & Co Ltd [1980] 3 456
- Roberts v Ramsbottom [1980] 1 7, QBD
- Robinson v Whittle [1980] 3 459, QBD
- Robinson (Inspector of Taxes) v Scott Bader Co Ltd [1980] 2 780, ChD
- Rochdale Metropolitan Borough Council v FMC (Meat) Ltd [1980] 2 303, QBD
- Rochem Ltd, Gamlen Chemical Co (UK) Ltd v. See Gamlen Chemical Co (UK) Ltd v Rochem Ltd
- Roe v Ministry of Health [1954] 2 131, CA
Dictum applied, Whitehouse v Jordan [1980] 1 650
- Rolls Razor Ltd, Re [1968] 3 698, ChD
Applied, London and County Securities Ltd v Nicholson [1980] 3 861
- Roome v Edwards (Inspector of Taxes) [1980] 1 850, CA
- Rose v Ford [1937] 3 359, HL
Considered, Kandalla v British Airways Board (formerly British European Airways Corp) [1980] 1 341
Dictum considered, Gammell v Wilson [1980] 2 557
- Rosminster Ltd, Inland Revenue Comrs v. See Inland Revenue Comrs v Rosminster Ltd
- Rothmans of Pall Mall (Overseas) Ltd v Saudi Arabian Airlines Corp [1980] 3 359, QBD & CA
- Rouse v Gravelworks Ltd [1940] 1 26, CA
Criticised, Leakey v National Trust for Places of Historic Interest or Natural Beauty [1980] 1 17
- R-R Realisations Ltd (formerly Rolls-Royce Ltd), Re [1980] 1 1019, ChD
- Ruttie (decd), Re [1969] 3 1633, ChD
Considered, Re Salmon (decd) [1980] 3 532
- Ryan (D J) & Sons Ltd, Megarity v. See Megarity v D J Ryan & Sons Ltd
- Ryan (R J) & Sons Ltd (No 2), Megarity v. See Megarity v R J Ryan & Sons Ltd (No 2)

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Distinguished, *Leakey v National Trust for Places of Historic Interest or Natural Beauty* [1980] 1 17

Dictum explained, *Leakey v National Trust for Places of Historic Interest or Natural Beauty* [1980] 1 17

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Considered, *Gunton v London Borough of Richmond upon Thames* [1980] 3 577

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Considered, *Cinnamond v British Airports Authority* [1980] 2 368

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Affirmed [1962] 3 529, HL

Dictum applied, *R v Governor of Pentonville Prison, ex parte Budlong* [1980] 1 701

SCM (United Kingdom) Ltd v W J Whittall & Son Ltd [1970] 2 417, QBD

Affirmed [1970] 3 245, CA

Followed, *Lambert v Lewis* [1980] 1 978

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Affirmed [1962] 1 1, HL

Dictum considered, *Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd* [1980] 3 257

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Affirmed [1939] 1 725, CA

Reversed [1940] 3 349, HL

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Dictum applied, *R v Commission for Racial Equality, ex parte Cottrell & Rothson (a firm)* [1980] 3 265

Dictum followed, *R v Commission for Racial Equality, ex parte Cottrell & Rothson (a firm)* [1980] 3 265

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 Applied, Yeung v Hong Kong and Shanghai Banking Corpn [1980] 2 599
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- Shelfer v City of London Electric Lighting Co [1891-4] 838, CA
 Applied, Federated Homes Ltd v Mill Lodge Properties Ltd [1980] 1 371, CA
- Shell UK Ltd, Ellesmere Port and Neston Borough Council v. *See* Ellesmere Port and Neston Borough Council v Shell UK Ltd
- Shelley v Paddock [1978] 3 129, QBD
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- Sheppard, R v. *See* R v Sheppard
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- Sioux Inc v China Salvage Co, Kwangchow Branch [1980] 3 154, CA
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- Spicer v Holt [1976] 3 71, HL
 Distinguished, R v Adams [1980] 1 473
- Spillers-French (Holdings) Ltd v Union of Shop, Distributive and Allied Workers [1980] 1 231, EAT
- Spratt, R v. *See* R v Spratt
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- St Ann's Kew, Re [1976] 1 461, Con Ct
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 Followed, Booth v Ellard (Inspector of Taxes) [1980] 3 569
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- Verrall v Great Yarmouth Borough Council [1980] 1 839, CA
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- Woodhouse & Co Ltd v Kirkland (Derby) Ltd [1970] 2 587, ChD
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- Public examination—
- Annulment of adjudication order—
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- Receiving order—
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- Jurisdiction of court—Transfer of proceedings from High Court to county court after receiving order made in High Court—Whether county court having jurisdiction to rescind receiving order—Whether necessary for proceedings to be transferred back to High Court for rescission of receiving order—Bankruptcy Act 1914, s 100(2). *Re a debtor* (No 2A of 1980, Colchester) [1980] 3 641, ChD.

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Meaning—

Title of holder in due course defective if bill obtained by fraud—Whether title in circumstances amounting to fraudulent preference a 'fraud'—Bills of Exchange Act 1882, ss 29(2), 30(2), *Osterreichische Länderbank v S'Elite Ltd* [1980] 2 651, CA.

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Application of Bills of Sale Acts to corporations—

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Safety of working places—

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Prohibition of erection of any buildings upon any disused burial ground—Exception—Enlargement of the church—Building of extension to church—Building connected to church by corridor—Primary purpose of building to provide meeting place for worshippers after service and Sunday school—Whether enlargement of the church—Disused Burial Grounds Act 1884, s 3 *Re St Thomas's Church, Lynton* [1980] 2 84, Con Ct.

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Consideration given for acquisition of asset—Value of consideration—Company purchasing securities under conditional contract—Company allotting shares to vendor at agreed price in consideration—Whether value of consideration ascertained by reference to agreed value or to market value of shares when contract became unconditional—Finance Act 1965, Sch 6, para 4(1)(a)—Finance Act 1971, Sch 10, para 10(2). *Stanton (Inspector of Taxes) v Drayton Commercial Investment Co Ltd* [1980] 3 221, ChD.

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Capital sum derived from assets notwithstanding no asset acquired by person paying sum—

Sale of shares in private company—Consideration to consist of fixed sum payable immediately and further unascertainable sum payable on future contingency by reference to specified formula—Whether right to receive further sum an asset—Whether right a 'debt'—Whether there was disposal of asset when further sum became payable—Finance Act 1965, s 22(1)(3), Sch 7, para 11(1). *Marren (Inspector of Taxes) v Ingles* [1980] 3 95, HL.

Taxpayer for consideration transferring beneficial interest in fund to trustees to be held by them for himself for life with remainder to a Jersey company—

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CAPITAL GAINS TAX (cont)

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Charity—

Gains accruing to charity and applied for charitable purposes—Donations from one charity to another—Donations accumulated by recipient charity—Whether donations 'applied for charitable purposes'—Finance Act 1965, s 35(1). *Inland Revenue Comrs v Helen Slater Charitable Trust Ltd* [1980] 1 785, ChD.

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Beneficiary entitled as against trustee—Plurality of beneficial owners—Family controlled company—Taxpayer and other family shareholders transferring shares to trustees—Trustees to hold shares for 15 years—Taxpayer and shareholders restricted in their right to dispose of shares—Taxpayer's interest in his shares the same as interest of other family shareholders—Whether taxpayer absolutely entitled to his shares as against the trustees—Finance Act 1965, s 22(5). *Booth v Ellard (Inspector of Taxes)* [1980] 3 569, CA.

Interest in settled property—

Tax avoidance scheme—Taxpayer purchasing a reversionary interest in a foreign settlement—Taxpayer a beneficiary of a reversionary interest under a second foreign settlement—Trustees having special power of appointment under settlement to appoint trust fund to be held on the trusts of the second settlement—Trustees appointing part of the trust fund to the second settlement—Taxpayer selling his reversionary interest in the settlement at a loss—Taxpayer selling his reversionary interest in the second settlement—Whether taxpayer's interest in relation to the appointed fund under second settlement part of his reversionary interest under the settlement—Whether gain arising on the sale of his interest as respects the appointed fund under the second settlement Chargeable Act 1965, Sch 7, para 13(1). *Eilbeck (Inspector of Taxes) v Rawling* [1980] 2 12, CA.

Settled property—

Gift in settlement—Transfer of fund to trustees—Settlement whereby beneficial interest in fund assigned to trustees on trust for settlor for life with remainder to company—Consideration paid by company to settlor equal to market value of interest in remainder—Whether fund acquired by trustees by way of gift—Whether transfer a 'gift in settlement'—Whether settlement effected only part disposal of fund—Finance Act 1965, ss 22(2)(4), 25(2). *Berry v Warnett (Inspector of Taxes)* [1980] 3 798, CA.

Trustees of a settlement appointing part of trust fund of settlement to different beneficiaries under different trusts—Transfer of beneficial interest in residue of fund to two Cayman Island companies—Replacement of trustees of original fund by Cayman Island trustees—Beneficial interests assigned to Cayman Island companies becoming vested in one company and that company becoming absolutely entitled as against Cayman Island trustees—Whether separate settlement created in respect of appointed fund—Finance Act 1965, s 25(3), (11), Sch 10, para 12(1). *Roome v Edwards (Inspector of Taxes)* [1980] 1 850, CA.

CAPITAL TRANSFER TAX

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Government securities in foreign ownership—Trust fund consisting of exempt government securities held on discretionary trusts in favour of settlor's children and United Kingdom charities—Settlor's children neither domiciled nor resident in the United Kingdom—Trustees appointing trust fund to settlor's children—Whether exempt Government securities liable to tax—Whether charities beneficially entitled to trust fund before appointment by trustees—Whether charities 'known person for whose benefit the settled property ... might be applied'—Whether distribution payment to charity capital distribution—Whether legislation passed before capital transfer tax introduced capable of exempting transfer from liability to tax—Finance Act 1975, Sch 5, paras 6(1)(2), 11(11), Sch 6, para 10(2), Sch 7, para 3(1)(2)—Finance (No 2) Act 1931, s 22(1). *Von Ernst & Cie SA v Inland Revenue Comrs* [1980] 1 677, CA.

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Interest in possession—

Beneficiary entitled under settlement to income of property subject to trustees' power to accumulate—Whether beneficiary's interest a present interest or an interest in reversion or remainder—Whether beneficiary's interest an interest in possession—Finance Act 1975, Sch 5, para 6(2). *Pearson v Inland Revenue Comrs* [1980] 2 479, HL.

CARE

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CARRIAGE BY AIR

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CARRIAGE BY AIR (cont)

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International carriage—

Jurisdiction—Place where carrier ordinarily resident—Ordinarily resident—Goods carried by Saudi Arabian airline with principal place of business outside England but branch office in England—Goods lost—Claim by owners for damages—Writ served at branch office on ground that airline ordinarily resident in England—Whether airline 'ordinarily resident' in England—Whether court should set aside writ and service—Carriage by Air Act 1961, Sch. 1, art 28(1). **Rothmans of Pall Mall (Overseas) Ltd v Saudi Arabian Airlines Corp** [1980] 3 359, QBD & CA.

Damage to baggage or cargo—

Complaint to carrier within prescribed period after discovery of damage—

Damage—Loss of articles of baggage—Whether loss of articles constituting 'damage'—Whether complaint to be made within prescribed period—Carriage by Air Act 1961, Sch. 1, art 26(2)—Carriage by Air and Road Act 1979, s 2. **Fothergill v Monarch Airlines Ltd** [1980] 2 696, HL.

CARRIAGE OF GOODS

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Application made in time but not complying with rules as to form—Effect. *See* **Limitation of time**—Need to comply with statutory requirements—Application made to justices with time prescribed—Application not identifying question for opinion of High Court and consequently not complying with rules, *post*.

Limitation of time—

Need to comply with statutory requirements—

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Application made to justices within time prescribed by statute—Application not identifying question for opinion of High Court and consequently not complying with rules—Supplementary application complying with rules made after expiration of time prescribed by statute—Whether delay fatal to hearing of case—Magistrates' Courts Act 1952, s 87(2)—Magistrates' Courts Rules 1968 (SI 1968 No 1920), r 65(1). **Robinson v Whittle** [1980] 3 459, QBD.

Draft case stated issued to parties out of time—Applicant for case stated requesting that issue of draft case be delayed—Whether delay fatal to hearing of case—Whether court should exercise discretion to refuse to hear case stated—Magistrates' Courts Rules 1968 (SI 1968 No 1920), r 65A. **Parsons v F W Woolworth & Co Ltd** [1980] 3 456, QBD.

CAUSING DEATH BY RECKLESS DRIVING

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CERTIORARI

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Industrial Court of Malaysia—Provision in statute that no award of court shall be 'quashed or called into question in any Court of law'—Industrial Court making award within its jurisdiction—Whether jurisdiction of High Court of Malaya to quash award on ground of errors on face of record ousted—Industrial Relations Act 1967 (Malaysia), s 29(3)(a). **South East Asia Fire Bricks Sdn Bhd v Non-Metallic Mineral Products Manufacturing Employees Union** [1980] 2 689, PC.

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CHAMBERS

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Generally. *See* **Practice** (Chambers proceedings).

Costs—

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Proceedings in chambers. *See* **Practice** (Chambers proceedings).

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CHANCERY DIVISION (cont)

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Practice. *See* **Practice** (Motion—Chancery Division).**CHARGE**Company. *See* **Company** (Charge).**CHARITY**

Benefit to community—

Correct approach for deciding whether a trust for purposes beneficial to community—

Society for study and dissemination of ethical principles and cultivation of rational belief—Whether objects of society beneficial to community. **Barralet v Attorney-General** [1980] 3 918, ChD.

Capital gains tax—

Exemption. *See* **Capital gains tax** (Exemptions and reliefs—Charity).

Education—

Educational purposes—

Sport—Promotion and encouragement of sport—Trust to promote, encourage and provide facilities for pupils of schools and universities to play association football and other games—Whether educational charity—Whether encouragement of sport subservient to general charitable purpose. **Inland Revenue Comrs v McMullen** [1980] 1 884, HL.

Receiver and manager—

Appointment by court—Powers. *See* **Receiver and manager**—Appointment by court—Powers—Educational charity, *post*.

Society for study and dissemination of ethical principles and cultivation of rational belief—

Whether objects of society the advancement of education. **Barralet v Attorney-General** [1980] 3 918, ChD.Income tax. *See* **Income tax** (Charity).

Receiver and manager—

Appointment by court—

Powers—Educational charity—School belonging to charity governed under instrument and articles made under statutory authority—Instrument vesting power to appoint school governors in charity trustees—Articles vesting general conduct of school in governors including appointment of headmaster—Charity in disarray—Uncertainty as to existing governors of school—Need to appoint new headmaster—Court appointing receiver and manager of charity 'to manage [its] affairs'—Whether receiver having power directly to appoint headmaster—Whether trustees having power to appoint headmaster by virtue of power to appoint governors—Whether receiver entitled to exercise trustees' power to remove existing governors and appoint new ones to enable them to appoint headmaster. **Attorney-General v Schonfeld** [1980] 3 1, ChD.

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Society for study and dissemination of ethical principles—

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Local authority—

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Care and control—

Divorce. *See* **Divorce** (Custody—Care and control).

Custody—

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Practice. *See* **Practice**—Order for return of child, *ante*.

CHILD (cont)

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CHILDREN AND YOUNG PERSONS

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Appeal—Who may appeal—Whether parents can appeal on behalf of child or whether right of appeal given only to child itself—Children and Young Persons Act 1969, ss 2(12), 70(2). **B v Gloucestershire County Council** [1980] 2 746, QBD.

Hearing—

Mother contesting local authority's resolution vesting parental rights in it—Justices seeing child in private in presence of social worker and both foster parents prior to hearing—Whether social worker should be present—Whether child should be accompanied by foster mother when seen privately by justices—Children Act 1948, s 2(5) (as substituted by Children Act 1975, s 57). **W v Sunderland Borough Council** [1980] 2 514, FamD.

Cruelty to persons under 16—

Wilfully assaulting, ill-treating, neglecting, abandoning or exposing child—

Wilfully neglecting child. *See* **Criminal law** (Child—Wilful neglect of child).

CHOSE IN ACTION

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CLOSE COMPANY

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COINS

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Application of EEC Treaty. *See* **European Economic Community** (Freedom of movement—Goods—Coins).

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Contributory negligence. *See* **Negligence** (Contributory negligence—Collision of vehicles on road).

COMMERCIAL BUILDING

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Surcharge on unused building. *See* **Rates** (Surcharge on unused commercial building).

COMMISSION

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COMMISSION FOR RACIAL EQUALITY

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COMMONS

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Common of pasture by reason of vicinage—

Whether common of pasture by reason of vicinage a right of common or merely providing defence to a claim for trespass. *Newman v Bennett* [1980] 3 449, QBD.

COMMONWEALTH IMMIGRANT

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Removal of immigrant—Sex discrimination—Removal of immigrant married to woman student having permission to stay in United Kingdom for limited period—Wife of male student entitled to remain while husband a student—Whether husband of female student similarly entitled to remain—Whether immigration rule to the contrary void because of sex discrimination—Whether Sex Discrimination Act 1975 applying to Secretary of State's powers under Immigration Act 1971—Whether Secretary of State providing 'facilities to the public' when exercising immigration powers—Sex Discrimination Act 1975, s 1(1), 29(1)—Statement of Immigration Rules for Control on Entry (HC 79), para 22. *Kassam v Immigration Appeal Tribunal* [1980] 2 330, CA.

Appeal—

Special voucher scheme—

Appeal against refusal to issue special voucher admitting United Kingdom passport holder to United Kingdom—Whether right of appeal from entry clearance officer's decision—Whether special voucher an 'entry clearance'—Whether voucher evidence of eligibility for entry—Immigration Act 1971, ss 13(2), 33(1). *R v Entry Clearance officer, Bombay, ex parte Amin* [1980] 2 837, QBD.

COMPANY

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Auditor—

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Charge—

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Charge created by overseas company with place of business in England—Company not registered in England—Validity of charge—Particulars of charge not delivered to registrar—Assignment of business including present and future trading stock by way of security—Property of company stored in England subsequent to creation of charge—Whether charge void against foreign liquidators—Whether Companies Act provisions regarding charges applying to all overseas companies or only those registered in England—Whether foreign liquidators entitled to plead invalidity of charge—Whether floating charge created by overseas company within provisions of Companies Act—Companies Act 1948, s 95(1). *NV Slavenburg's Bank v Intercontinental Natural Resources Ltd* [1980] 1 955, QBD.

Equitable charge affecting land—Charge registered in name of company creating it and not in name of legal owner of estate—Whether registration effective as registration under land charges legislation—Whether purchaser for value of land affected by actual notice of charge although no registration under land charges legislation—Companies Act 1948, s 95(1)—Land Charges Act 1972, s 3(1)(7). *Property Discount Corp Ltd v Lyon Group Ltd* [1980] 1 334, ChD.

Close company—

Loan to close company—

Interest on loan applied in lending money to close company—Tax relief. *See* Income tax (Interest—Relief—Interest on loan applied in lending money to close company).

Taxation—

Generally. *See* Income tax (Close company).

Compulsory winding-up—

Corporation tax on chargeable gains—

Priority of liquidator's fees over tax—Company compulsorily wound up—Assets sold following winding-up order—Resulting liability to corporation tax on chargeable gains—Liquidator's balance less than amount liable to corporation tax—Whether corporation tax an expense incurred in realising assets—Whether corporation tax a necessary disbursement by the liquidator—Whether corporation tax a charge or expense incurred in the winding-up—Companies Act 1948, s 267—Companies (Winding-up) Rules 1949 (SI 1949 No 330), r 195(1). *Re Mesco Properties Ltd* [1980] 1 117, CA.

Costs—

Receiver appointed by debenture holder—Liability for costs of action commenced by company and continued by him after compulsory winding-up. *See* Receiver—Appointment by debenture holder—Liability of receiver for costs of action, *post*.

COMPANY (cont)

Compulsory winding-up (cont)—

Disposition of property after commencement of winding-up—

Validation by court—Principles on which discretion to validate exercisable—Continuation by bank of company's account after commencement of winding-up—Account overdrawn at date of commencement of winding-up—Payments made into account after that date—Continuation of account resulting in trading loss—Pre-liquidation debts paid out of account—Whether transactions on account should be validated—Whether bank liable to pay liquidator credits covering overdraft, payments to creditors for pre-liquidation debts and amount of trading loss—Companies Act 1948, s 227. *Re Gray's Inn Construction Co Ltd* [1980] 1 814, CA.

Petition by creditor—

Disputed debt—Demand for payment of £33,000 served on company—Company denying that any part of sum due—Company admitting that creditor a contingent creditor—Whether company entitled as of right to injunction restraining presentation of petition—Whether court may impose condition requiring directors to file declaration of solvency—Companies Act 1948, s 223 (a). *Stonegate Securities Ltd v Gregory* [1980] 1 241, CA.

Stay of proceedings—

Other proceedings against company—Stay where creditor not a secured creditor at commencement of winding-up. *See* Winding-up—Stay of pending proceedings—Stay of proceedings where creditor not a secured creditor at commencement of winding-up, *post*.

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Priority of liquidator's fees before corporation tax. *See* Compulsory winding-up—Corporation tax—Corporation tax on chargeable gains—Priority of liquidator's fees over tax, *ante*.

Debenture—

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Inspection—

Power of Department of Trade to require production of documents—Exercise of power—Inspectors appointed by Department to investigate company controlled by plaintiff—Same inspectors previously investigating another company connected with the plaintiff and now replaced by present company—Notice given by inspectors to produce documents—Plaintiff alleging that inspectors biased and acting unfairly—Whether notice reasonable—Whether inspectors biased—Whether power properly exercised—Companies Act 1967, s 109. *R v Secretary of State for Trade, ex parte Perestrello* [1980] 3 28, QBD.

Inspection of company's books and papers. *See* Documents—Inspection, *ante*.

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Evidence before inspectors—

Evidence given by company's auditors—Admissibility in subsequent legal proceedings—Proceedings by company in liquidation against auditors for alleged negligence in conducting audit—Whether evidence admissible in civil proceedings—Whether public interest in availability of relevant evidence to court outweighing public interest in maintaining confidentiality of evidence given to Board of Trade inspectors—Companies Act 1967, s 50. *London and County Securities Ltd v Nicholson* [1980] 3 861, ChD.

Liquidator—

Compulsory winding-up—

Priority of liquidator's fees before corporation tax. *See* Compulsory winding-up—Corporation tax—Corporation tax on chargeable gains—Priority of liquidator's fees over tax, *ante*.

Minority shareholder—

Representative action—

Jurisdiction of court—Action by minority shareholder against defendants not having voting control of company—Defendants able by reason of position in company to ensure company itself will not bring action—Action alleging defendants induced company by fraud to enter into transaction not in company's interests—In same action minority shareholder also making against defendants direct personal claim for damages for conspiracy and direct representative claim on behalf of shareholders at date resolution passed approving transaction for conspiracy—Whether action by minority shareholder on behalf of company restricted to cases where wrongdoers have voting control of company—Whether necessary that action should allege act or transaction in question fraudulent—Whether necessary to show wrongdoers deliberately appropriated money, property or advantages belonging to company—Whether permissible to join direct personal and direct representative claim with claim on behalf of company. *Prudential Assurance Co Ltd (No 2)* [1980] 2 841, ChD.

Offence in connection with management of company's affairs. *See* Officer—Offence—Offence in connection with management of company's affairs, *post*.

Officer—

Offence—

Offence in connection with management of company's affairs—Subordinate manager defrauding customers for company's benefit—Whether manager an 'officer' of company—Whether fraud 'an offence in connection with the management of the company's affairs'—Companies Act 1948, s 441(1). *Re a Company* [1980] 1 284, CA.

Oversea company—

Charge created by overseas company—

Application of Bills of Sale Acts to documents creating charge. *See* Bill of sale (Security bills of sale)—Application of Bills of Sale Acts to corporations).

Registration. *See* Charge—Registration—Charge created by overseas company with place of business in England, *ante*.

Production and inspection of books where offence suspected—

Offence in connection with officer's management of company's affairs. *See* Officer—Offence—Offence in connection with management of company's affairs—Production and inspection of books where offence suspected, *post*.

COMPANY (cont)

Receiver—

Appointment by debenture holder—

Liability of receiver for costs of action—Action commenced by company and continued by receiver after compulsory winding-up—Receiver providing security for defendant's costs—Company failing to comply with further order to provide security for costs—Action dismissed for failure to comply with order—Order for costs made against company but not against receiver—Defendant's costs ranking as unsecured debt in liquidation—Defendant obtaining leave to join receiver as defendant to action in order to claim costs from him—Whether court having power to order a receiver to pay costs of action continued by him—Whether power to order security for costs displacing power to award costs against receiver—Whether just and equitable that receiver be ordered to pay costs—Whether receiver properly joined as defendant after dismissal of action—Supreme Court of Judicature (Consolidation) Act 1925, s 50(1), RSC Ord 23, r 1(1)(b). **Bacal Contracting Ltd v Modern Engineering (Bristol) Ltd** [1980] 2 655, QBD.

Resolution—

Special resolution—

Notice—Validity—Special resolution proposing that share premium account of £1,356,900 be cancelled entirely—Resolution passed stating that account be reduced to £321—Application to court to confirm reduction of account—Whether resolution as passed substantially the same as that proposed—Whether court having jurisdiction to confirm reduction—Companies Act 1948, s 141(2). **Re Moorgate Mercantile Holdings Ltd** [1980] 1 40, ChD.

Officer—

Offence—

Offence in connection with management of company's affairs—Production and inspection of books where offence suspected—High Court order for production and inspection of books—Right of appeal against order—Statute providing that decision of High Court judge 'shall not be appealable'—Whether distinction to be made between decision on issue of fact and decision on issue of law—Supreme Court of Judicature (Consolidation) Act 1925, s 31(1)(d)—Companies Act 1948, s 441(3). **Re Racal Communications Ltd** [1980] 2 634, HL.

Security bill of sale—

Application of Bills of Sale Acts to companies. *See* **Bill of sale** (Security bills of sale—Application of Bills of Sale Acts to corporations).

Share premium account—

Special resolution cancelling share premium account—

Validity. *See* **Resolution—Special resolution—Validity—Special resolution proposing that share premium account be cancelled, ante.**

Shareholder—

Minority shareholder—

Representative action. *See* **Minority shareholder—Representative action, ante.**

Shares—

Purchase of shares with financial assistance of company—

Arm's length transaction—Bona fide commercial transaction—Parties agreeing sale and purchase of company—Purchase financed by selling inflated asset to company and using money so obtained to buy company—Seller of company obtaining services of property expert in return—Transaction fair and bona fide as regards buyer and seller—Whether company's shares purchased with financial assistance from company—Whether transaction illegal—Whether parties liable to company in conspiracy or as constructive trustees—Companies Act 1948, s 54. **Belmont Finance Corp v Williams Furniture Ltd (No 2)** [1980] 1 393, CA.

Subsidiary company providing assistance—Subsidiary company discharging debt owed by holding company to vendor of shares in return for vendor selling shares in holding company to directors of holding company and subsidiary—Whether subsidiary company merely repaying debt owed by holding company—Whether subsidiary company providing financial assistance to vendor to enable vendor to sell shares—Whether subsidiary company providing financial assistance 'for the purpose of or in connection with' share purchase—Companies Act 1948, s 54(1). **Armour Hick Northern Ltd v Armour Trust Ltd** [1980] 3 833, ChD.

Transfer—

Generally. *See* **Transfer of shares, post.**

Stay of proceedings against company—

Winding-up. *See* **Winding-up—Stay of pending proceedings, post.**

Transfer of shares—

Restriction imposed by articles of association—

Transfer notice to be given by member wishing to transfer shares—Bank appointed as executor of member's will—Bank requested in will to transfer testator's shares to named persons—Equitable interest in shares vested in bank—Bank registered as holder of shares—Whether bank having sufficient interest to be a 'member' of the company—Whether transfer notice required. **Safeguard Industrial Investments Ltd v National Westminster Bank Ltd** [1980] 3 849, ChD.

Unincorporated association. *See* **Unincorporated association.**

Voluntary winding-up—

Distribution of company's property—

Late claim by creditor—Application by liquidator for liberty to distribute final dividend to members. *See* **Voluntary winding-up—Power to apply to court to have question determined—Application by liquidator for liberty to distribute final dividend to members, post.**

COMPANY (cont)

Voluntary winding-up (cont)—

Power to apply to court to have question determined—

Application by liquidator for liberty to distribute final dividend to members—Late claim by creditor—Likelihood of company's liability to creditor being covered by insurance—Whether liquidator should be allowed to distribute without regard to creditor's claim—Whether creditor should pay costs of distribution being delayed—Companies Act 1948, s 307. **Re R-R Realisations Ltd (formerly Rolls-Royce Ltd)** [1980] 1 1019, ChD.

Winding-up—

Application of bankruptcy rules—

Proof and ranking of claims—Unliquidated claim for damages in tort—Company in compulsory liquidation—Secretary of State instituting action on behalf of company to recover money from another company—Third company agreeing to purchase assets of other company and seeking to bring proceedings against company being wound up for damages for negligent misstatement regarding other company's assets—Whether leave to bring proceedings should be granted—Whether claim for unliquidated damages in tort capable of proof in compulsory winding-up of company—Whether if leave given leave should extend to allowing proceedings to proceed to trial to enable Secretary of State to apply for proceedings to be heard with action—Companies Act 1948, ss 231, 317. **Re Berkeley Securities (Property) Ltd** [1980] 3 513, ChD.

Compulsory winding-up. *See* Compulsory winding-up, *ante*.

Preferential payments—

Taxes—Value added tax—Group of companies—Representative member—Representative member and another member in liquidation—Unpaid value added tax due from representative member—Whether Crown entitled to claim preferentially in winding up of other member for tax due from representative member—Finance Act 1972, ss 21, 41. **Re Nadler Enterprises Ltd** [1980] 3 350, ChD.

Stay of pending proceedings—

Stay of proceedings where creditor not a secured creditor at commencement of winding-up—Action in rem against ship—Ship only asset of company in liquidation—Writ in action issued but not served before commencement of winding-up—Plaintiff applying for leave to continue action—Whether plaintiff a secured creditor—Whether mere issue of writ in rem constituting plaintiff a secured creditor—Companies Act 1948, s 231. **Re Aro Co Ltd** [1980] 1 1067, CA.

Voluntary winding-up. *See* Voluntary winding-up, *ante*.**COMPENSATION**

Trust—

Breach of trust—

Wilful default by trustee. *See* Trust and trustee (Breach of trust—Wilful default by trustee—Compensation payable for default).

COMPETITION

Lottery—

Generally. *See* Gaming (Lottery).**COMPOUND GIFT**

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Distribution date. *See* Settlement (Class gift—Distribution date—Compound gift).**COMPULSORY WINDING-UP**Company. *See* Company (Compulsory winding-up).**CONCEALMENT**

Right of action—

Fraud—

Limitation of action. *See* Limitation of action (Concealment of right of action by fraud).**CONDITION**

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Permission for change of use. *See* Town and country planning (Change of use—Condition attached to permission for change of use).

CONDITIONAL SALE AGREEMENTSale of goods. *See* Sale of goods (Conditional sale agreement).**CONDUCT**

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Domicile—

Generally. *See* Domicile.

CONFLICT OF LAWS (cont)

Movables—

Title to goods—

Lex situs—Title to be determined according to lex situs—Goods stolen from plaintiff in England, taken to Italy and sold to defendant—Defendant sending goods back to England for resale—Plaintiff claiming goods—Whether title to goods to be determined according to lex situs—Whether England lex situs because of connection of goods with England—Whether on grounds of public policy exception should be made to lex situs rule in the case of stolen goods. *Winkworth v Christie Manson & Woods Ltd* [1980] 1 1121, ChD.

Personal property—

Movables. *See* Movables, *ante*.

CONSISTORY COURT

Generally. *See* Ecclesiastical law.

CONSPIRACY

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CONSTITUTIONAL LAW

Constitutional rights—

Jamaica. *See* Jamaica (Constitutional law—Entrenched provisions of Constitution).

Jamaica. *See* Jamaica (Constitutional law).

CONSTRUCTION

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CONSULTATION

Redundancy—

Employer's duty to consult appropriate trade union. *See* Redundancy (Employer's duty to consult appropriate trade union).

CONTEMPT OF COURT

Local valuation court—

Publications concerning legal proceedings. *See* Publications concerning legal proceedings—Court—Inferior court—Local valuation court.

Publications concerning legal proceedings—

Court—

Inferior court—Local valuation court—Defendants proposing to broadcast television programme on issue pending before local valuation court—Plaintiffs seeking injunction to restrain broadcast—Whether local valuation court 'an inferior court'—Whether contempt of local valuation court punishable by committal—General Rate Act 1967, s 88—RSC Ord 52, r 1(2)(a)(iii). *Attorney-General v British Broadcasting Corp'n* [1980] 3 161, HL.

Disclosure by magazine of secrets of jury room—

Whether punishable as contempt. *Attorney-General v New Statesman and Nation Publishing Co Ltd* [1980] 1 644, QBD.

CONTRACT

Breach—

Fundamental breach. *See* Fundamental breach, *post*.

C and f contract. *See* Sale of goods (C and f contract).

Charterparty. *See* Shipping (Charterparty).

Conditional sale agreement—

Sale of goods. *See* Sale of goods (Conditional sale agreement).

Damages for breach—

Sale of land. *See* Sale of land (Damages for breach of contract).

Employment—

Generally. *See* Master and servant (Contract of service).

Exception clause—

Exclusion of applicability of exception clause—

Fundamental breach. *See* Fundamental breach—Effect on exception clause—Exclusion of applicability of exception clause, *post*.

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Sale of land. *See* Sale of land (Exchange of contracts).

Telephonic exchange—

Sale of land. *See* Sale of land (Exchange of contracts—Authority of solicitor—Exchange by telephone).

Frustration—

Charterparty. *See* Shipping (Charterparty—Frustration).

Fundamental breach—

Determination whether breach fundamental—

Destruction of subject-matter of contract—Defendants contracting to guard factory against fire but instead causing fire which destroyed factory—Whether causing fire fundamental breach of contract. *Photo Production Ltd v Securicor Transport Ltd* [1980] 1 556, HL.

Effect on exception clause—

Exclusion of applicability of exception clause—Destruction of subject-matter of contract—Defendants contracting to guard factory against fire but instead causing fire which destroyed factory—Whether fundamental breach of contract—Whether contract destroyed by breach—Whether defendants able to rely on exception clause to limit their liability. *Photo Production Ltd v Securicor Transport Ltd* [1980] 1 556, HL.

Guarantee. *See* Guarantee.

CONTRACT (cont)

Illegality—

Enforceability of contract—

Loan—Plaintiff alleging loan by intervener to defendant illegal—Defendant denying loan illegal and wishing to repay it—Intervener seeking variation of injunction restraining removal of defendant's assets from jurisdiction to allow repayment of loan—Whether variation of injunction would have effect of enforcing loan. *Iraqi Ministry of Defence v Arcepey Shipping Co SA (Gillespie Brothers & Co Ltd intervening)* [1980] 1 480, QBD.

Implied term—

Option to purchase. *See* **Option** (Option to purchase—Implied term).

Limitation of liability—

Bill of lading. *See* **Shipping** (Bill of lading—Limitation of liability).

Master and servant. *See* **Master and servant** (Contract of service).Option. *See* **Option**.

Repudiation—

Sale of land. *See* **Sale of land** (Repudiation of contract).

Rescission—

Default of debtor—

Liability of guarantor. *See* **Guarantee** (Discharge of guarantee—Rescission of contract by creditor—Principal debtor in breach of contract).

Sale of goods—

Generally. *See* **Sale of goods**.

Sale of land. *See* **Sale of land** (Contract).Specific performance. *See* **Specific performance**.

Stranger to contract—

Benefit of contract—

Bill of lading. *See* **Shipping** (Bill of lading—Limitation of liability—Rights of stranger to contract).

Telephonic exchange of contracts—

Sale of land. *See* **Sale of land** (Exchange of contracts—Authority of solicitor—Exchange by telephone).

CONTRIBUTORY NEGLIGENCE

Generally. *See* **Negligence** (Contributory negligence).

CONVENTION

Statute giving effect to international convention—

Construction of statute. *See* **Statute** (Construction—Convention given effect by legislation).

CONVERSION

Copyright—

Infringement of copyright—

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Damages—

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Infringement of copyright. *See* **Copyright** (Infringement—Damages—Conversion).

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COPYRIGHT

Assignment—

Musical work. *See* **Musical work**—Assignment of copyright, *post*.

Artistic work—

Infringement of copyright. *See* **Infringement**—Artistic work *post*.

Infringement—

Artistic work—

Fabric design—Publication—What amounts to publication—Wholesale shirt manufacturers importing shirts bearing plaintiff's design—Wholesalers selling shirts to retailers for sale to public—Whether publishing work referring to first publication only—Whether publication taking place whenever reproductions of work issued to public—Whether sale by wholesalers to retailers publication—Copyright Act 1956, ss 3(5) (b) 49(2) (c). *Infabrics Ltd v Jaytex Ltd* [1980] 2 669, CA.

Conversion—

Defence—Reasonable ground for believing no infringement—Contemporary artistic design—Person relying on defence required to show he made reasonable inquiries to satisfy himself work free from copyright—Copyright Act 1956, ss 17(2), 18(2) (b). *Infabrics Ltd v Jaytex Ltd* [1980] 2 669, CA.

Damages—

Conversion—Design used on shirts—Measure of damages—Copyright Act 1956, s 18(1). *Infabrics Ltd v Jaytex Ltd* [1980] 2 669, CA.

Right of action—

Person having limited interest in copyright—Exclusive licensee—Importation into United Kingdom of article lawfully made abroad—Article assumed to be made in United Kingdom for purpose of determining infringement—Assumed maker—Foreign manufacturer granting exclusive licence in United Kingdom of copyright in sound recordings to United Kingdom company—Defendant purchasing records from foreign manufacturer abroad and importing them for resale in United Kingdom—United Kingdom licensee's sales of same records thereby affected—Whether licensee entitled to bring action against defendant for infringement—Whether licensee to be treated as 'owner' of copyright—Whether assumed maker of records the actual maker abroad or the importer—Copyright Act 1956, ss 16(2)(3), 49(5). *CBS United Kingdom Ltd v Chardmole Records Distributors Ltd* [1980] 2 807, ChD.

COPYRIGHT (cont)

Musical work—

Assignment of copyright—

Reversionary rights—Collective work—Songs comprising words and music—Words and music having individual copyrights—Assignment by personal representative of copyrights in music 'until expiration of term of respective copyright'—Whether words and music constituting a 'collective work'—Whether assignment effective to assign copyright—Copyright Act 1911, ss 5(2), 35(1). *Chappell & Co Ltd v Redwood Music Ltd, Redwood Music Ltd v Francis Day and Hunter Ltd* [1980] 2 817, HL.

Sound recordings—

Importation and sale in United Kingdom—

Infringement of copyright—Right of action of person having limited interest in copyright. *See* Infringement—Right of action—Person having limited interest in copyright—Exclusive licensee—Importation into United Kingdom of article lawfully made abroad, *ante*.

CORONER

Inquest—

Jury—

Circumstances in which coroner should sit with jury—Circumstances which would be prejudicial to the health or safety of the public if they continued or recurred—Deceased dying from blow on the head received at demonstration—Allegation that deceased hit by police officer using unauthorised weapon—Whether deceased dying in circumstances the continuance or possible recurrence of which prejudicial to health or safety of public—Whether coroner required to sit with jury—Coroners (Amendment) Act 1926, s 13(2)(e). *R v Her Majesty's Coroner, Ex parte Peach* [1980] 2 7, CA.

Treasure trove. *See* Treasure trove.

CORPORATION

Bill of sale—

Application of Bills of Sale Acts to corporations. *See* Bill of sale (Security bills of sale—Application of Bills of Sale Acts to corporations).

CORPORATION TAX

Company—

Compulsory winding-up—

Priority of liquidator's fees before corporation tax. *See* Company (Compulsory winding-up—Corporation tax on chargeable gains—Priority of liquidator's fees over tax).

CORRECTION

Mistake of law—

Judicial review—

Availability of that remedy as means of correcting mistake. *See* Judicial review (Availability of remedy—Correction of mistakes of law).

COSTS

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Chancery Division—

Assessment by master—Monetary limit. *Practice Direction* [1980] 3 704, ChD.

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Receiver appointed by debenture holder—Liability for costs of action. *See* Company (Receiver—Appointment by debenture holder—Liability of receiver for costs of action).

Criminal cases—

Generally. *See* Criminal law (Costs).

Legal aid—

Taxation of costs—Solicitor's fees and expenses. *See* Legal aid (Taxation of costs—Solicitor's fees and expenses—Criminal proceedings).

Legal aid—

Deficiency of costs—

Charge on property recovered for deficiency of costs. *See* Legal aid (Charge on property recovered for deficiency of costs).

Taxation of costs. *See* Legal aid (Taxation of costs).

Taxation—

Legal aid. *See* Legal aid (Taxation of costs).

COUNSEL

Certificate of estimated length of trial—

Civil proceedings. *See* Practice (Trial—Estimate of length of trial—Certificate of counsel).

Fees—

Family Division. *See* Practice (Family Division—Counsel's fees).

Representation by counsel—

Defendant—

Criminal cases. *See* Criminal law (Trial—Defendant—Representation).

COUNTERCLAIM

Costs—

Payment out of legal aid fund where defendant legally aided. *See* Legal aid (Unassisted person's costs out of legal aid fund—Costs incurred by unassisted party—Costs incurred in proceedings between him and party receiving legal aid—Costs of counterclaim).

Generally. *See* Pleading (Counterclaim).

COUNTY COURT

Arbitration—

Reference of proceedings to arbitration—

Setting aside award—Jurisdiction of county court judge to set aside award, appoint himself arbitrator without consent of parties and make fresh award—County Courts Act 1959, s 92(3)—CCR Ord 19, r 1. *Leung v Garbett* [1980] 2 436, CA.

COURTContempt of court. *See* **Contempt of court**.Crown Court. *See* **Crown Court**.

Jurisdiction—

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Generally. *See* **Injunction**.

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Contempt of court. *See* **Contempt of court** (Publications concerning legal proceedings—Court—Inferior court—Local valuation court).

COURT OF APPEAL

Appeal—

Right of appeal—

Exclusion of right of appeal—Statute providing that decision of High Court judge 'shall not be appealable'—Whether distinction to be made between decision on issue of fact and decision on issue of law—Supreme Court of Judicature (Consolidation) Act 1925, s 31(1)(d)—Companies Act 1948, s 441(3). *Re Racal Communications Ltd* [1980] 2 634, HL.

Conspiracy—

Appeal—

Power of Court of Appeal. *See* **Criminal law** (Conspiracy—Appeal—Power of Court of Appeal).

Jurisdiction—

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Criminal cause or matter. *See* **Criminal law** (Appeal—Criminal cause or matter—Decision of Divisional Court—Appeal to Court of Appeal).

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CREDITOR

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CRIMINAL BANKRUPTCY ORDER

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CRIMINAL EVIDENCE

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Answers and statements to police—

Issue as to admissibility—Trial within a trial—Ruling that statement admissible as voluntary—Whether judge having power at later stage of trial to reconsider ruling in light of subsequent evidence and to rule that statement inadmissible. *R v Watson* [1980] 2 293, CA.

Personal knowledge—

Admission by party of something of which he has actual knowledge—Accused identifying controlled drug and admitting possession to police—Accused an experienced drug user—Police having no other evidence of identity of drug or possession—Whether accused's identification and admission prima facie evidence of unlawful possession of controlled drug—Misuse of Drugs Act 1971, s 5(1). *R v Chatwood* [1980] 1 467, CA.

Bail—

Successive applications. *See* **Criminal law** (Bail—Successive applications—Matters to be considered).

Bankers' books—

Inspection of entries—

Criminal proceedings—Records kept on microfilm by bank—Whether bank's microfilm records of customer's transactions constituting 'bankers' books'—Bankers' Books Evidence Act 1879, s 9. *Barker v Wilson* [1980] 2 81, QBD.

Exclusion of evidence—

Discretion—

Evidence seized under invalid search warrant—Seizure of obscene articles—Defendant admitting articles obscene and in his possession for publication for gain—Whether articles admissible in evidence—Whether seizure of evidence under invalid warrant oppressive. *R v Adams* [1980] 1 473, CA.

CRIMINAL LAW

Appeal—

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Conspiracy. *See* **Conspiracy**—Appeal, *post*.

CRIMINAL LAW (cont)

Appeal (cont)—

Criminal cause or matter—

Decision of Divisional Court—Appeal to Court of Appeal—Crown Court judge making order for investigation of antecedents of jury panel—Application to Divisional Court for certiorari to quash order—Whether criminal cause or matter—Whether Court of Appeal having jurisdiction to hear appeal from Divisional Court—Supreme Court of Judicature (Consolidation) Act 1925, s 31(1)(e). **R v Crown Court at Sheffield, ex parte Brownlow** [1980] 2 444, QBD & CA.

Death of appellant—

Effect—Death before appeal heard—Information laid by chief inspector of police in accordance with chief constable's instruction that information to be laid by chief inspector—Justices dismissing information on ground no case to answer—Chief inspector appealing and requesting case stated—Chief inspector entering into recognisance to prosecute appeal without delay—Chief inspector dying before appeal heard—Whether appeal lapsing on his death—Whether chief constable real prosecutor—Whether chief inspector prosecuting as representative of chief constable—Whether recognisance given in representative capacity. **Hawkins v Bepey** [1980] 1 797, QBD.

Leave to appeal—

Application—Unmeritorious appeals—Direction that time spent in custody after lodging application not to count towards sentence—Council not to settle grounds of appeal unless proposed appeal properly arguable. **Practice Note** [1980] 1 555, CA.

Substitution of verdict—

Alternative offence—Jury must have been satisfied of facts proving appellant guilty of alternative offence—Manslaughter—Defence of diminished responsibility by reason of abnormality of mind rejected by jury on basis of evidence of prosecution medical witness—Jury returning verdict of murder—Evidence of prosecution medical witness subsequently discredited—Whether Court of Appeal having power to substitute verdict of manslaughter—Criminal Appeal Act 1968, s 3. **R v Spratt** [1980] 2 269, CA.

Attempt—

Pervverting course of justice. *See* Obstructing course of justice—Attempting to pervert course of justice, *post*.

Bail—

Successive applications—

Matters to be considered—Accused refused bail on ground that he came within one of the exceptions to the right to bail—Subsequent application by accused for bail—Whether court bound to investigate all the circumstances or only whether there were new considerations not before the court on previous application—Bail Act 1976, s 4. **R v Nottingham Justices, ex parte Davies** [1980] 2 775, QBD.

Child—

Wilful neglect of child—

Wilful—Neglect causing unnecessary suffering or injury to health—Accused genuinely failing to realise child needed medical care—Whether failure to provide medical care deemed to be 'wilful' neglect—Mens rea of offence—Children and Young Persons Act 1933, s1(1), **R v Sheppard** [1980] 3 899, HL.

Conspiracy—

Appeal—

Power of Court of Appeal—Effect of abolition of doctrine requiring conviction to be quashed where two persons accused of conspiracy and only one convicted—Criminal Law Act 1977, s 5(8)(9). **R v Holmes** [1980] 2 458, CA.

Trial—

Direction to jury. *See* Trial—Direction to jury—Conspiracy, *post*.

Conviction—

Magistrates—

Appeal to Crown Court—Jurisdiction of Crown Court. *See* Crown Court (Appeal to Crown Court—Power of court on appeal—Appeal against conviction by magistrates).

Costs—

Award out of central funds—

Payment of prosecution costs out of central funds—Application for payment of prosecution costs to be made in each case—Court to exercise discretion whether prosecution costs to be borne out of central funds. **Practice Direction** [1980] 2 336, CA.

Prosecution costs—

Payment out of central funds. *See* Costs—Award out of central funds—Payment of prosecution costs out of central funds, *ante*.

Taxation—

Legal aid—Solicitor's fees and expenses. *See* Legal aid (Taxation of costs—Solicitor's fees and expenses—Criminal proceedings).

Court of Appeal—

Jurisdiction—

Appeal from Divisional Court. *See* Appeal—Criminal cause or matter—Decision of Divisional Court—Appeal to Court of Appeal, *ante*.

Conspiracy. *See* Conspiracy—Appeal—Power of Court of Appeal, *ante*.

Criminal bankruptcy order—

Amendment—

Jurisdiction of Crown Court. *See* Crown Court (Order—Amendment—Jurisdiction—Criminal bankruptcy order in respect of several offences).

Court of Appeal—

Substitution of verdict—

Alternative offence. *See* Appeal—Substitution of verdict—Alternative offence, *ante*.

Crown Court. *See* Crown Court.

CRIMINAL LAW (cont)

Damage to property—

Damage to property with intent to damage it—

Defence—Intoxication. *See* Intoxication as a defence—Capacity to form intent—Offence not requiring proof of specific intent—Self-induced intoxication—Damage to property, *post*.

Offence triable summarily or on indictment—

Procedure for determining mode of trial. *See* Magistrates (Summary trial—Offence triable summarily or on indictment—Minor offence of criminal damage).

Damage to property with intent to endanger life or being reckless whether life would be endangered—

Whether crime of specific intent—Whether defence of drunkenness available—Criminal Damage Act 1971, s 1(2). *R v Orpin* [1980] 2 321, CA.

Destruction of property—

Destruction with intent to endanger life or being reckless whether life would be endangered—

Whether crime of specific intent—Whether defence of drunkenness available—Criminal Damage Act 1971, s 1(2). *R v Orpin* [1980] 2 321, CA.

Evidence. *See* Criminal evidence.Forfeiture order. *See* Sentence (Forfeiture order).

Intention—

Intoxication negating intention. *See* Intoxication as a defence—Capacity to form intent, *post*.

Intoxication as a defence—

Capacity to form intent—

Offence not requiring proof of specific intent—Self-induced intoxication—Damage to property—Honest belief that there was lawful excuse to damage property—Defendant damaging another's house in order to break into it—Defendant drunk and honestly believing she was breaking into identical house owned by friend—Friend would have consented to damage—Whether belief induced by drunkenness a defence to charge of damage to property—Criminal Damage Act 1971, s 5(2),(3). *Jaggard v Dickinson* [1980] 3 716, QBD.

Damage to property with intent to damage it. *See* Intoxication as a defence—Capacity to form intent—Offence not requiring proof of specific intent—Self-induced intoxication—Damage to property, *ante*.

Damage to property with intent to endanger life or being reckless whether life would be endangered. *See* Damage to property—Damage to property with intent to endanger life or being reckless whether life would be endangered, *ante*.

Jury. *See* Jury.

National insurance—

Offence. *See* National insurance (Offence).

Obscene publications—

Article—

Film or other record of a picture or pictures—Video cassette used to show pornographic film—Whether video cassette an article capable of being published—Obscene Publications Act 1959, ss 1(2), (3)(b), 2. Attorney-General's Reference (No 5 of 1980) [1980] 3 816, CA.

Power of search and seizure—

Validity of warrant—Use of same warrant for more than one entry, search and seizure—Whether warrant permitting only one entry, search and seizure while in force—Whether warrant able to be used from time to time while in force—Whether seizure of articles under invalid warrant precluding conviction for possessing obscene articles—Obscene Publications Act 1959, ss 2(1), 3(1). *R v Adams* [1980] 1 473, CA.

Evidence—

Seizure of obscene articles under invalid warrant. *See* Criminal evidence (Exclusion of evidence—Discretion—Evidence seized under invalid search warrant—Seizure of obscene articles).

Obstructing course of justice—

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Attempt—Substantive offence—Ingredients of offence—Appellant fabricating evidence of police assault with intention of showing that statement made by him to police made involuntarily—Appellant not pursuing plan of showing police assaulted him—Whether appellant's conduct intended and having tendency to pervert course of justice—Whether appellant's conduct required to be assessed by reference to proximity to an ultimate offence. *R v Machin* [1980] 3 151, CA.

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Use of force in prevention of crime—

Defence to action for assault. *See* Trespass to the person (Assault—Defence—Use of force in prevention of crime).

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Wilful destruction of trees in contravention of preservation order. *See* Town and country planning (Trees—Preservation order—Prohibition of wilful destruction of trees).

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Private prosecution—Right of prosecutor to appear in person. *R v George Maxwell (Developments) Ltd* [1980] 2 99, ChD.

CRIMINAL LAW (cont)

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Defendant—

Representation—Defendant voluntarily absents himself from trial—Solicitor and counsel wishing to continue to represent defendant—Judge ruling that counsel's and solicitor's retainer withdrawn—Defendant convicted—Whether judge having power to dismiss defendant's legal representatives if defendant voluntarily absent from trial. *R v Shaw* [1980] 2 433, CA.

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Conspiracy—Risk of inconsistent verdicts—Discretion of trial judge to direct conviction of both accused or acquittal of both—Criminal Law Act 1977, s 5(8)(9). *R v Holmes* [1980] 2 458, CA.

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CROWN COURT

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Power of court on appeal—

Appeal against conviction by magistrates—Defendant previously committed to Crown Court for sentence—Sentence passed on him by court on understanding that he did not wish to appeal against conviction—Two months later defendant given leave to appeal out of time against conviction—Crown Court judge declining to hear appeal on ground court functus officio—Defendant applying for mandamus requiring court to hear and determine appeal—Whether jurisdiction to hear appeal—Whether determination of sentence on committal for sentence rendering court functus officio in regard to appeal against conviction. *R v Croydon Crown Court, ex parte Bernard* [1980] 3 106, QBD.

Committal of offender to Crown Court for sentence—

Appeal against sentence—

Right of appeal—Crown Court bringing into effect suspended sentence consecutive to sentence imposed for offence for which committal to court—Total term less than six months—Whether right of appeal against whole of sentence or only against suspended sentence brought into effect—Criminal Appeal Act 1968, s 10(3)(a)(c)(iii). *R v Wilson* [1980] 1 1093, CA.

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Jurisdiction—Criminal bankruptcy order in respect of several offences—Order made in single sum and not apportioned between offences—Judge purporting to cure that defect more than 28 days later by apportioning sum between offences—Whether order 'varied'—Whether alteration merely proper exercise of court's inherent power to remedy mistake in order—Whether alteration valid though made more than 28 days after original order made—Courts Act 1971, s 11(2)—Powers of Criminal Courts Act 1973, s 39(3) (a) *R v Saville* [1980] 1 861, CA.

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Trial. *See* **Criminal law** (Trial—Crown Court—Private prosecution).

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Criminal bankruptcy order. *See* **Order**—Amendment—Jurisdiction—Criminal bankruptcy order in respect of several offences, *ante*.

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Trial on indictment—

High Court having no supervisory jurisdiction in matters relating to trial on indictment—Matters relating to trial on indictment—Jury vetting—Crown Court judge ordering jury panel to be investigated for previous convictions—Whether jury vetting order a matter 'relating to trial on indictment'—Whether Divisional Court having jurisdiction to hear application for certiorari to quash order—Courts Act 1971, s 10(5). *R v Crown Court at Sheffield, ex parte Brownlow* [1980] 2 444, QBD & CA.

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Transfer by person other than authorised depositary to authorised depositary—Transfer without specific Bank of England permission—Charge on securities executed in favour of bank—Prior to charge share certificates lodged with bank in breach of Exchange Control Act 1947—Whether transfer to bank within Bank of England's general permission for transfer of foreign currency securities—Whether excluded from general permission because charge involving change in 'beneficial ownership' of shares and because securities not in bank's 'custody' at date of charge—Whether 'custody' meaning 'custody regularly obtained' and not merely physical control—Exchange Control Act 1947, s 17(2). *Swiss Bank Corp v Lloyds Bank Ltd* [1980] 2 419, CA.

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Gold coins—Gold coins smuggled into country without payment of duty—Whether coins constituting 'goods' liable to forfeiture—Customs and Excise Act 1952, s 44. *Allgemeine Gold-Und Silberscheideanstalt v Customs and Excise Comrs* [1980] 2 137, CA.

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Rebate—Commissioners empowered to recover 'amount equal to rebate' in addition to penalty if rebate wrongly claimed—Whether 'amount equal to rebate' a penalty—Whether Commissioners restricted to bringing proceedings in court of summary jurisdiction—Hydrocarbon Oil (Customs and Excise) Act 1971, s 11(1)—Customs and Excise Act 1952, s 283(1). *Customs and Excise Comrs v George Wimpey & Co Ltd* [1980] 3 102, CA.

Importation of prohibited goods—

Coins—

Application of EEC Treaty. *See* European Economic Community (Freedom of movement—Goods—Coins).

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Importation contrary to United Kingdom legislation—Application of EEC Treaty—Treaty provisions directly applicable in member states—Municipal law no longer applicable. *See* European Economic Community (Treaty provisions—Direct application in member states—Municipal law no longer applicable—Prohibition on imports—Person importing obscene goods from member state of EEC country contrary to United Kingdom customs legislation).

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Repairs to building—Pile driving operations causing damage to next door building—Owners deferring carrying out repairs until after trial of action 10 years later—Owners deferring repairs partly for financial reasons and partly for commercial reasons—Whether damages to be assessed at date physically reasonable to commence repairs—Whether owners entitled to damages assessed at date of hearing. *Dodd Properties (Kent) Ltd v Canterbury City Council* [1980] 1 928, CA.

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Copyright—

Infringement. *See* Copyright (Infringement—Damages).

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Repairs to building—

Cost of repairs—Pile driving operations causing damage to next door building—Owners deferring carrying out repairs until after trial of action 10 years later—Owners deferring repairs partly for financial reasons and partly for commercial reasons—Whether damages to be assessed at date physically reasonable to commence repairs—Whether owners entitled to damages assessed at date of hearing. *Dodd Properties (Kent) Ltd v Canterbury City Council* [1980] 1 928, CA.

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Personal injury—

Amount of damages—

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Loss of earnings—

Deduction of unemployment benefit—Benefit payable out of fund financed by contributions from State, employers and employees—Employee injured as a result of employer's negligence—Employee receiving unemployment benefit—Whether unemployment benefit deductible from damages awarded for employee's loss of earnings. *Nabi v British Leyland (UK) Ltd* [1980] 1 667, CA.

Loss of expectation of life—

Effect of inflation in assessing conventional figure to be awarded. *See Fatal accident* (Damages—Inflation—Loss of expectation of life).

Loss of future earnings—

Survival of claim for benefit of estate. *See Fatal accident* (Damages—Loss of future earnings—Survival of claim for benefit of estate).

Loss of housekeeping ability—

Plaintiff's partial loss of ability to perform housekeeping duties—Plaintiff not employing domestic help in period between accident and trial—Whether loss separate head of damage—Whether estimated cost of employing help proper measure of both pre-trial and future loss. *Daly v General Steam Navigation Co Ltd* [1980] 3 696, CA.

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Application for declaration as to validity of a scheme—Criminal proceedings already commenced against applicants in respect of scheme—Jurisdiction of civil court to grant declaration as to validity of scheme. *Imperial Tobacco Ltd v Attorney-General* [1980] 1 866, HL.

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Dismissal of claim for want of prosecution. *See* **Arbitration** (Practice—Want of prosecution).

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Frustration. *See* **Shipping** (Charterparty—Frustration—Delay).**DENTIST**

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Infamous or disgraceful conduct in a professional respect—

Striking off register—Dentist charged with knowingly enabling persons employed by him who were not registered medical or dental practitioners to carry out work amounting to practice of dentistry—What constitutes such conduct—Whether infamous or disgraceful conduct in a professional respect—Dentists Act 1957, s 25(1)(b). **McEniff v General Dental Council** [1980] 1 461, PC.**DEPARTMENT OF TRADE**

Company—

Inspection of company's documents—

Department's power to require production of documents. *See* **Company** (Documents—

Inspection—Power of Department of Trade to require production of documents).

DEPENDANTFamily provision. *See* **Family provision**.**DEPORTATION**

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Generally. *See* **Sentence** (Deportation).**DEVELOPMENT**

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Town and country planning. *See* **Town and country planning**.**DISCONTINUANCE**Action. *See* **Practice** (Discontinuance of action).**DISCOVERY**

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Legal professional privilege—

Document coming into existence after litigation anticipated—

Privilege in aid of anticipated litigation where several persons having common interest in litigation—Confidential documents originating from person not a party to the litigation but having interest in it and same solicitor as party to litigation—Whether common interest conferring legal professional privilege on documents in hands of party to the litigation—Whether waiver of privilege by reference to documents in party's pleadings—Whether allegation of fraud disentitling claim to privilege. **Buttes Gas & Oil Co v Hammer (No 3)** [1980] 3 475, CA.

Mareva injunction—

Discovery or interrogatory in aid of injunction. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction—Discovery or interrogatory in aid of injunction).

Privilege—

Legal professional privilege. *See* **Legal professional privilege**, *ante*.

Production contrary to public interest—

Foreign state privilege—Whether documents protected from production if disclosure would injure interests of foreign state—Whether foreign state privilege recognised in English law. **Buttes Gas & Oil Co v Hammer (No 3)** [1980] 3 475, CA.Public interest of United Kingdom—Confidential documents of foreign sovereign state concerning international territorial dispute—United Kingdom involved in dispute under treaty with foreign state—Dispute between two oil companies over area of concessions granted by adjoining foreign states—Action for slander brought by one company against other—Other company counterclaiming for libel and for conspiracy between plaintiff company and sovereign ruler—Territorial dispute between foreign states the underlying issue in action—Whether public interest immunity extending to confidential documents of foreign ruler relating to territorial dispute acquired by plaintiff company from ruler granting concession—Whether documents privileged from production. **Buttes Gas & Oil Co v Hammer (No 3)** [1980] 3 475, CA.

Self-incrimination—

Disclosure of information relating to property which subject-matter of action or in respect of which question arising. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).

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Employment—

Discrimination against a woman. *See* **Employment** (Discrimination against a woman).

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Removal of Commonwealth citizen married to woman student—Wife of male student entitled to remain while husband a student. *See* **Commonwealth immigrant** (Admission—Refusal of admission—Removal of immigrant—Sex discrimination—Removal of immigrant married to woman student having permission to stay in United Kingdom for limited period).

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Discrimination. *See* **Race relations** (Discrimination).**DISMISSAL**

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Trade dispute—

Generally. *See* **Trade dispute**.**DISPUTED DEBT**

Company—

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Creditor's petition. *See* **Company** (Compulsory winding-up—Petition by creditor—Disputed debt).**DISSOLUTION**Marriage. *See* **Divorce**.**DISTRIBUTION**

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Conduct of parties—

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Custody—

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Care and control—

Order splitting care and control and custody—Custody awarded to father to enable him to exercise control over education and upbringing of children—Rights of parties over upbringing of children—Undesirability of splitting care and control and custody. **Dipper v Dipper** [1980] 2 722, CA.

Joint custody order—

Practice—Petitioner and respondent to be given opportunity to be heard—Matrimonial Causes Act 1973, s 41. **Practice Direction** [1980] 1 784, FamD.

Financial provision—

Affidavit of means—

Jurisdiction of registrar to order co-respondent to file an affidavit of means. *See* **Financial provision**—Application—Investigation by registrar—Extent of registrar's jurisdiction, *post*.

DIVORCE (cont)

Financial provision (cont)—

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Investigation by registrar—Extent of registrar's jurisdiction—Petitioner suspecting that respondent receiving financial support from person named as co-respondent in divorce suit—Petitioner applying for order that co-respondent file an affidavit of means in ancillary proceedings—Whether registrar having jurisdiction to make order—Matrimonial Causes Rules 1977 (SI 1977 No 344), r 77(5). *Wynne v Wynne and Jeffers* [1980] 3 659, CA.

Child—

Maintenance—Generally. *See* Minor (Maintenance).

Conduct of parties—

Duty of court to have regard to conduct—Circumstances in which regard to be had to conduct—Conduct after dissolution of marriage—Conduct between order for financial provision and application to vary order—Wife conducting sustained campaign of malice and persecution against husband and his new wife—Whether wife's conduct subsequent to order for periodical payments relevant on application by husband to vary order—Whether wife's conduct of such gravity as to effect financial provision for her—Matrimonial Causes Act 1973, s 31(7). *J (HD) v J (AM)* [1980] 1, 156, FamD.

Duty of court to have regard to conduct—Conduct prior to ceremony of marriage—Relevance—Circumstances in which regard should be had to conduct prior to ceremony of marriage—Matrimonial Causes Act 1973, s 25(1). *K(P) v K(E)* [1980] 1 1106, FamD.

Duty of court to have regard to conduct—Lump sum order. *See* Financial provision—Lump sum order—Factors to be regarded—Conduct of parties, *post*.

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Lump sum order—

Application—Directions for trial. *See* Practice (Matrimonial causes—Trial—Directions for trial—Applications for property adjustment and lump sums).

Factors to be regarded—Conduct of parties—Prior agreement by wife not to claim lump sum in event of divorce—Agreement in deed of separation between parties under which wealthy husband conferred on wife substantial capital sum—Whether agreement precluding court from making order for lump sum payment—Whether if not precluding court from making order weight to be given to agreement—Matrimonial Causes Act 1973, ss 23(1), 25(1). *Edgar v Edgar* [1980] 3 887, CA.

Matrimonial home. *See* Property—Adjustment order—Transfer of property—Matrimonial home, *post*.

Matters to be considered by court when making order—

Financial needs, obligations and responsibilities of parties—Principle of 'clean break'—Matrimonial home purchased in joint names—Wife living in matrimonial home with children after dissolution of marriage—Children aged between 15 and 11—Husband living in lodgings—Husband having better financial position and prospects than wife—Husband ordered to transfer his interest in matrimonial home to wife—In the event of the wife selling the matrimonial home or dying, husband to have 25 per cent of the net proceeds—Husband also ordered to pay wife 5p per annum and each child £7.50 a week until child 17—Whether order consistent with principle of 'clean break'—Whether order proper in circumstances. *Dunford v Dunford* [1980] 1 122, CA.

Periodical payments—

Right to apply for periodical payments. *See* Financial provision—Right to apply—Periodical payments, *post*.

Property—

Matrimonial home. *See* Property—Adjustment order—Transfer of property—Matrimonial home, *post*.

Registration of orders—

Orders for nominal amounts in favour of spouses or for maintenance pending suit not to be registered. *Practice Direction* [1980] 1 1007, FamD.

Right to apply—

Periodical payments—Right not to be taken away without party's consent—Proper order to make on application for periodical payments—Wife not consenting to order dismissing her application for periodical payments—Whether judge having jurisdiction to make order—Matrimonial Causes Act 1973, s 23(2). *Dipper v Dipper* [1980] 2 722, CA.

Periodical payments—Right not to be taken away without party's consent—Wife consenting to dismissal of claim for periodical payments if husband's half share in home transferred to her—Judge making order transferring half share to her subject to a charge in husband's favour for half the value of his share—Judge making 'no order' for periodical payments—Subsequently judge purporting to vary order under slip rule by substituting, 'application ... dismissed' instead of 'no order'—Whether jurisdiction to dismiss wife's claim—Whether consent to dismissal—Whether variation of order permitted under slip rule—Matrimonial Causes Act 1973, s 23(1)—CCR Ord 15, r 12. *Carter v Carter* [1980] 1 827, CA.

Legal aid—

Certificate—

Scope of certificate. *See* Legal aid (Certificate—Scope of certificate—Matrimonial cause).

Lump sum payment. *See* Financial provision—Lump sum order, *ante*.

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Matrimonial home—

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Periodical payments. *See* Financial provision—Periodical payments, *ante*.

Practice—

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DIVORCE (cont)

Practice (cont)—

Trial—

Directions for trial. *See* Practice (Matrimonial causes—Trial—Directions for trial).

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Transfer of property—Matrimonial home—Matters to be considered by court when making order—Financial needs, obligations and responsibilities of parties. **Mesher v Mesher and Hall** [1980] 1 126, CA.

Matrimonial home—

Financial provision. *See* Financial provision—Matters to be considered by court when making order—Financial needs, obligations and responsibilities of parties—Principle of 'clean break'—Matrimonial home purchased in joint names, *ante*.

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DOCTOR

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DOCUMENT

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Solicitor's retaining lien on documents. *See* Solicitor (Lien—Retaining lien).

DOMICILE

Acquisition of domicile of choice—

Intention—

Intention to return to domicile of origin on happening of future uncertain event—Testator born in United States—Testator resident at his farm in England for most of his life—Testator intending to return to United States only when he was no longer able to lead active life on his farm—Testator dying in England aged 80—Whether testator's intention sufficiently definite for acquisition of domicile of choice in England—Whether testator dying domiciled in England. **Re Furse (deceased)**, **Furse v Inland Revenue Comrs** [1980] 3 838, ChD.

DONATION

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DONEES

Will—

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DRIVER

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DRUGS

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Conspiracy to contravene Misuse of Drugs Act 1971—

Sentence—Forfeiture order. *See* Sentence (Forfeiture order—Forfeiture of profits made by offender out of offence—Forfeiture order made under Misuse of Drugs Act 1971).

Controlled drugs—

Identification by accused—

Admissibility as evidence of identification. *See* Criminal evidence (Admissions and confessions—Personal knowledge—Admission by party of something of which he has actual knowledge—Accused identifying controlled drug and admitting possession to police).

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Penalty on person drunk in possession of loaded firearm. *See* Intoxicating liquor (Offences—Drunk in possession of a loaded firearm).

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Personal injuries cases. *See* Damages (Personal injury—Loss of earnings).

EASEMENT

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Water—

Prescription—

Substantial increase in quantity of water abstracted during prescriptive period—Water abstracted from pond in river by dominant owner for purposes of his farm from 1928 onwards—From 1950's quantity abstracted substantially increased because water used to spray crops as well as for cattle on farm—Whether increase in user barring right to easement by prescription. **Cargill v Gotts** [1980] 2 49, ChD.

EASEMENT (cont)

Water (cont)—

Right to take water from source of supply in river authority area—

Effect on easement of statutory restrictions on abstracting water from source of supply—
Easement at common law to abstract water from pond in river for purposes of dominant owner's farm at date statutory restrictions came into effect—Less than 1,000 gallons abstracted on any one occasion but aggregate amounts abstracted since restrictions came into effect exceeding 1,000 gallons—Whether statutory restrictions altering right to easement—Whether restrictions enforceable by servient owner—Whether succession of abstractions on separate occasions constituting 'a series of operations' whereby aggregate of more than 1,000 gallons abstracted—Water Resources Act 1963, ss 23(1), 24(1)1
Cargill v Gots [1980] 2 49, ChD.

ECCLESIASTICAL LAW

Faculty—

Disused burial ground—

Enlargement of church. *See* **Burial** (Burial ground—Disused—Prohibition of erection of any building upon any disused burial ground—Exception—Enlargement of the church).

Extension to church—

Erection of building primarily to provide facilities for worshippers to meet after services and Sunday school—Erection on churchyard which was a conservation area of natural beauty—Parishioners objecting to faculty not worshippers at church—Whether parishioners who are not practising members of the church entitled to be heard—Whether sufficient impairment of environment to refuse faculty—Whether promotion of fellowship among worshippers ground for granting faculty—Whether abandonment of existing church hall where more non-church activities carried on than would be carried on in new building ground for refusing faculty. **Re St Thomas's Church, Lymington** [1980] 2 84, Con Ct.

Unconsecrated curtilage of church—

Curtilage—Churchyard—Churchyard greater than curtilage—Whether churchyard within jurisdiction of consistory court—Faculty Jurisdiction Measure 1964, s 7(1). **Re St Mary Magdalene, Paddington** [1980] 1 279, Con Ct.

Incumbent—

Freehold—

Unconsecrated churchyard—Power to convey—Whether power at common law as well as under statute—Whether consistory court can authorise sale at common law and direct application of proceeds—Whether court restricted to authorising sale under statute with consequent restrictions on sale and on application of proceeds—New Parishes Measure 1943, s 17. **Re St Mary Magdalene, Paddington** [1980] 1 279, Con Ct.

EDUCATION

Charitable purposes. *See* **Charity** (Education).

Local education authority—

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Accused alleging in criminal proceedings that he was assaulted by police officers whilst in custody to procure confession—No such assault proved and accused convicted—Civil proceedings by accused against police claiming damages for assault by police officers—Whether issue estoppel—Whether civil action abuse of process of court. *McIlkenny v Chief Constable of West Midlands Police Force* [1980] 2 227, CA.

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ESTOPPEL (cont)

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FATAL ACCIDENT (cont)**Damages (cont)—****Loss of future earnings—**

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Survival of claim for benefit of estate—Damages recoverable for benefit of deceased's estate to be calculated 'without reference to any loss or gain to his estate consequent on his death'—Claim on behalf of deceased estate for damages for deceased's loss of future earnings—Whether claim for loss of future earnings surviving for benefit of his estate—Whether deceased's loss of future earnings a 'loss to his estate consequent on his death'—Law Reform (Miscellaneous Provisions) Act 1934, s 1(2)(c). *Gammell v Wilson* [1980] 2 557, CA.

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FOOTBALL**Charity—****Promotion and encouragement of sport—**

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FORCE**Use of force in prevention of crime—**

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Prize competition—

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Purchasers of packets of cigarettes receiving ticket with packet—Ticket listing six possible prizes—If three prizes corresponding purchaser entitled to that prize—Packets of cigarettes sold at normal price—Whether scheme a competition—Lotteries and Amusements Act 1976, s 14(1)(b). *Imperial Tobacco Ltd v Attorney-General* [1980] 1 898, HL.

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- Protection of public rights—
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- Scope of duty—Footpath alleged by individual member of public to be a highway—Application to highway authority to assert and protect public's right to use it—Dispute as to whether footpath a highway—Whether highway authority under duty to act only where satisfied that fact that footpath is a highway clearly established—Highways Act 1959, s 116 (as amended by the Highways Act 1971, s 70, and the Local Government Act 1972, ss 188(2), 272(1), Sch 21, para 34, Sch 30). *Re Guyer's Application* [1980] 2 520, CA.
- Scheme for provision of special roads—
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HIRE-PURCHASE (cont)

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Competency—Court of Appeal refusing leave to appeal to that court from lower court—Exception from incompetency in case of judicial review. **Procedure Direction** [1980] 2 688, HL.

Service—Order of Court of Appeal—Court of Appeal refusing leave to appeal to that court from lower court—Order refusing leave to appeal to House of Lords not required. **Procedure Direction** [1980] 2 688, HL.

HOUSING

Homeless person—

Duty of housing authority to provide accommodation—

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Person coming from abroad and having no local connection with the area of any housing authority in Great Britain—Whether duty extending to person having no local connection with area of any housing authority—**Housing (Homeless Persons) Act 1977**, s 5(5). **R v Hillingdon Borough Council, ex parte Streeting** [1980] 3 413, QBD & CA.

Remedy for breach of duty—Whether applicant can claim declaration that local authority in breach of duty or that adverse decision invalid—Whether applicant can claim injunction—Whether applicant restricted to applying for judicial review—RSC Ord 53. **De Falco v Crawley Borough Council** [1980] 1 913, CA.

Person becoming homeless intentionally—

Act or omission causing applicant to cease occupying accommodation available for him—Applicant voluntarily giving up council flat and taking short-term holiday let—Applicant required by court order to vacate holiday let—Whether local authority entitled to consider circumstances of accommodation other than that last occupied by applicant—Whether applicant became homeless intentionally—Whether council under duty to house applicant indefinitely or merely temporarily—**Housing (Homeless Persons) Act 1977**, ss 4(3)(5), 17(1)(2). **Dyson v Kerrier District Council** [1980] 3 313, CA.

National of EEC country coming to England with family to seek work because unemployed in own country—No indication that secure accommodation not available for him in own country—Whether housing authority satisfied he was homeless intentionally—Whether authority entitled to conclude applicant deliberately left available accommodation in own country—Whether housing authority bound to follow advice in Code of Guidance—**Housing (Homeless Persons) Act 1977**, s 12(1), 17(1)(4). **De Falco v Crawley Borough Council** [1980] 1 913, CA.

Person becoming intentionally homeless—

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Enforcement of duty by interim mandatory injunction—Principle applicable for grant of interim injunction—Decision by authority that applicant became homeless intentionally—Applicant alleging decision invalid—Applicant bringing action claiming mandatory injunction—Application for interim injunction—Whether applicant for injunction required to show strong prima facie case that decision invalid—**Housing (Homeless Persons) Act 1977**, s 3(4). **De Falco v Crawley Borough Council** [1980] 1 913, CA.

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Unmarried parties living as man and wife—Refusal of trustees to concur in sale of family home. *See* **Trust and trustee** (Trust for sale—Refusal of trustees to concur in sale—Unmarried parties living as man and wife).

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Minor given leave to enter United Kingdom—Minor registered as United Kingdom citizen on application made on his behalf by his alleged father—Evidence subsequently obtained that minor not son of alleged father—Detention of minor pending removal from United Kingdom as illegal immigrant—Whether minor immune from order directing his removal by virtue of registration as United Kingdom citizen—Whether registration as United Kingdom citizen effective—Whether detention lawful—British Nationality Act 1948, ss 7, 20. **R v Secretary of State for the Home Department, ex parte Akhtar** [1980] 2 735, CA.

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Right of entry—Change of circumstances since entry certificate granted—Applicant born in Pakistan and applying for entry certificate—Applicant eligible for entry certificate at time of application—Entry certificate granted four years later by which time applicant ineligible—Applicant granted indefinite leave to enter and not asked about change of circumstances—Whether officer who granted entry certificate or immigration officer who granted leave to enter waiving requirements of immigration rules—Whether basis of original application still continuing at time of grant of entry certificate—Whether applicant under obligation when entering to disclose change of circumstances affecting his right to enter—Immigration Rules for Control on Entry : EEC and Other Non-Commonwealth Nationals (1972-73), para 39. **R v Secretary of State for the Home Department, ex parte Khan** [1980] 2 337, CA.

Student—Applicant required to produce to immigration officer proof of acceptance for course of study at school or university—Officer required to refuse entry if not satisfied that applicant would leave United Kingdom on completion of full-time course of study—Full-time course of study—Proof by schoolboy applicant that he was accepted by school for three-year 'O' level course of study—Officer not satisfied that applicant would leave on completion of three-year course because applicant stated that he expected to stay until completion of university study—Refusal by officer to grant applicant leave to enter as a student—Whether officer had interpreted rules correctly—Statement of Changes in Immigration Rules (H of C Paper (1979-80) no 394) paras 21, 22. **R v Chief Immigration Officer, Gatwick Airport, ex parte Kashayar Kharrazi** [1980] 3 373, CA.

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Acquisition of land with sole or main object of realising gain from disposal thereof—Person directly or indirectly providing opportunity of realising gain liable to tax on gain—Land owned by company controlled by English taxpayer—Land sold at full market value to Guernsey company—Land subsequently sold to another company at a profit—Purchase price payable by instalments subject to contingencies—Whether a 'gain' if land sold at full market value—Whether opportunity of realising gain provided 'directly or indirectly' by taxpayer—Whether gain taxable if person realising it not effectively able to enjoy or dispose of it—Income and Corporation Taxes Act 1970, ss 488(2)(3)(8), 489(13). *Yuill v Wilson* (Inspector of Taxes) [1980] 3 7, HL.

Acquisition of land with sole or main purpose of realising gain from disposal thereof—Person who is a party to, or concerned in, the transaction—Majority shareholder of group of companies acquiring land with the object of realising gains from its disposal—Taxpayers minority shareholders—Majority shareholder declaring himself a trustee of a share of his interest in land for taxpayers—Sale of land to group at full market value by series of transactions to defer liability to tax on proceeds of sale—Payment to taxpayers of their share of proceeds in 1970-71 and 1971-72—Whether artificial transactions in land—Whether taxpayers 'parties to' or 'concerned in' the transactions—Whether taxpayers assessable on shares of gains realised in 1970-71 but not received in that year—Income and Corporation Taxes Act 1970, s 488(2). *Winterton v Edwards* (Inspector of Taxes) [1980] 2 56, ChD.

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Stand for spectators in football stadium—Whether expenditure on new stand expenditure on provision of 'plant'—Finance Act 1971, s 41. *Brown* (Inspector of Taxes) v Burnley Football & Athletic Co Ltd [1980] 3 244, ChD.

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Profits or gains arising from property in United Kingdom—Payment for provision of information—Contract made between newspaper and agent for taxpayer—Contract requiring taxpayer to provide information about her life with her convict husband—Taxpayer resident abroad—Contract governed by English law and payment to be made to agent on behalf of taxpayer—Whether payment 'profits or gains arising ... from property ... in the United Kingdom'—Whether payment received as capital or income—Whether payment arising from the contract or from the services performed by taxpayer—Income and Corporation Taxes Act 1970, s 108, para 1. (a)(iii). *Alloway v Phillips* (Inspector of Taxes) [1980] 3 138, CA.

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Donations accumulated by recipient charity—Whether donations 'applied to charitable purposes'—Income and Corporation Taxes Act 1970, s 360(1). *Inland Revenue Comrs v Helen Slater Charitable Trust Ltd* [1980] 1 785, ChD.

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INCOME TAX (cont)**Deduction in computing profits—****Capital or revenue expenditure—**

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Emoluments from office or employment—**Office—**

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Interest on loan applied in lending money to close company—Close company incurring debt by overdrawing bank account—Debt guaranteed by taxpayer—Taxpayer required to implement guarantee—Payment of debt and interest thereon by taxpayer—Whether taxpayer entitled to relief on interest paid under guarantee—Finance Act 1974, Sch 1, para 9. **Hendy (Inspector of Taxes) v Hadley** [1980] 2 554, ChD.

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INCOME TAX (cont)

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Transaction in securities—Consideration received in connection with distribution of profits of company—Receipt of shares—Property transactions resulting in substantial profit to company wholly owned by taxpayer—Taxpayer exchanging his shares in that company for those in second company, also wholly owned by him, at a premium—First company paying dividend to second company without deduction of tax—Third company unconnected with taxpayer making loans to taxpayer—Second company acquiring all the issued shares in third company—Whether loans by third company transaction in securities—Whether by receiving loans from third company taxpayer obtaining tax advantage—Income and Corporation Taxes Act 1970, ss 460, 461, 466, 467. *Williams v Inland Revenue Comrs* [1980] 3 321, HL.

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INJUNCTION (cont)

Grant of injunction in advance of plaintiff's claim—

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Danger that defendant may transfer assets out of jurisdiction—

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Duty of housing authority to provide accommodation for homeless person—

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Discovery or interrogatory in aid of injunction—Power to make order for discovery or interrogatories in aid of Mareva injunction—Discovery of amounts standing in defendant's bank account—Inspection of banker's books—Whether power to order discovery or interrogatories relating to defendant's bank account—Banker's Books Evidence Act 1879, s 7—Supreme Court of Judicature (Consolidation) Act 1925, s 45(1)—RSC Ord 24, r 7(1), Ord 26, r 1(1). *A v C* [1980] 2 347, QBD.

Injunction restraining removal of assets out of the jurisdiction—English defendant—Whether jurisdiction to grant Mareva injunction against defendant resident in England—Whether Mareva jurisdiction restricted to preventing foreigners resident abroad from removing assets out of jurisdiction. *Prince Abdul Rahman Bin Turki Al Sudairy v Abu-Taha* [1980] 3 409, CA.

Injunction restraining removal of assets out of the jurisdiction—English defendant—Whether jurisdiction to grant Mareva injunction against English national domiciled in England—Whether Mareva jurisdiction restricted to preventing foreigners from removing assets out of jurisdiction. *Barclay-Johnson v Yuill* [1980] 3 190, ChD.

Injunction restraining removal of assets out of the jurisdiction—Injunction in advance of plaintiff's claim—Action alleging Lebanese husband and wife defrauding husband's creditors in Abu Dhabi—Husband transferring money to wife in Abu Dhabi instead of paying creditors—Wife transferring money from Abu Dhabi to her bank account in England—Wife present and owning house in England—Whether jurisdiction to grant Mareva injunction where defendant is temporarily within the jurisdiction and can be served here—Whether cause of action against husband in respect of which he could be served out of jurisdiction—Whether jurisdiction to grant injunction against him. *Chartered Bank v Daklouche* [1980] 1 205, CA.

Injunction restraining removal of assets out of the jurisdiction—Personal injuries claim—Plaintiff legally aided and unable to give satisfactory undertaking in damages if action failed—Whether Mareva injunction able to be granted in personal injuries action—Whether injunction should be granted regardless of plaintiff's inability to give undertaking as to damages. *Allen v Jambo Holdings Ltd* [1980] 2 502, CA.

Injunction restraining removal of assets out of the jurisdiction—Variation of injunction—Intervener seeking variation to enable defendant to use proceeds of insurance to repay loan made by intervener—Proceeds of insurance sole asset of defendant—Defendant denuded of assets if proceeds of insurance used to repay loan—Plaintiff having large claim against defendant—Whether court should order variation of injunction to enable defendant to repay loan out of proceeds of insurance. *Iraqi Ministry of Defence v Arcepey Shipping Co SA (Gillespie Brothers & Co Ltd intervening)* [1980] 1 480, QBD.

Writ containing claim for liquidated demand and injunction to restrain defendant from removing assets out of jurisdiction—Plaintiff granted injunction—Plaintiff applying for leave to enter judgment in default of appearance in claim for liquidated demand—Whether claim for injunction in writ precluding plaintiff from entering judgment in claim for liquidated demand in default of appearance by defendant—RSC Ord 13, r 6. *Stewart Chartering Ltd v C & O Managements SA* [1980] 1 718, QBD.

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Claim by party against whom injunction sought that he had acted in contemplation or furtherance of trade dispute—Judicial discretion—Likelihood of party against whom injunction sought succeeding at trial of action in establishing matters which would afford defence to action—Union in dispute with British Steel Corporation deciding to extend strike action to private steel sector—Private steel companies seeking injunction restraining union—Judge deciding that union's defence that acting in contemplation or furtherance of trade dispute likely to succeed at trial—Judge refusing injunction—Court of Appeal substituting own exercise of discretion and granting injunction—Whether judge exercising discretion wrongly—Whether Court of Appeal entitled to substitute own exercise of discretion—Trade Union and Labour Relations Act 1974, s 17(2) (as amended by the Employment Protection Act 1975, Sch 16, Part III, para 6). *Duport Steels Ltd v Sirs* [1980] 1 529, HL.

Mareva injunction. *See* Interlocutory—Danger that defendant may transfer assets out of jurisdiction, *ante*.

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INJUNCTION (cont)

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Solicitor—Law Society's group scheme—Law Society authorised to 'take out and maintain insurance with authorised insurers'—Law Society arranging master policy with specified insurers—Compulsory for solicitors to participate in group scheme and pay premiums set by master policy—Whether scheme intra vires Law Society's authority to take out and maintain insurance with authorised insurers—Solicitors Act 1974, s 37(2)(b). *Swain v The Law Society* [1980] 3 615, ChD.

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Capital transfer tax. *See* **Capital transfer tax** (Settlement—Interest in possession).

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Breach of trust—

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Statute enacting that certain crimes to be tried by judge without a jury—Statute not enacted by special procedure for amending entrenched provisions—Whether trial by jury entrenched in Constitution—Whether statute required to be passed by special procedure—Jamaica (Constitution) Order in Council 1962 (SI 1962 No 1550), art 13(1), Sch 2, s 97(1). *Stone v The Queen* [1980] 3 148, PC.

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Plaintiff found guilty of disciplinary offences by board of prison visitors—Plaintiff issuing writ in Chancery Division claiming declaration that adjudication of board null and void—Application by board for order to stop plaintiff proceeding except by way of application for judicial review in Queen's Bench Division—Whether proceedings in Chancery Division should be allowed to continue—RSC Ord 53. *Heywood v Board of Visitors of Hull Prison* [1980] 3 594, ChD.

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Legality of jury vetting. *R v Crown Court at Sheffield, ex parte Brownlow* [1980] 2 444, QBD & CA. *R v Mason* [1980] 3 777, CA.

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LANDLORD AND TENANT

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Judgment for forfeiture before issue of application for new tenancy—Subsisting claim by tenant for relief from forfeiture—Landlord seeking to dismiss application for new tenancy on ground that tenancy had already come to an end by forfeiture—Whether tenant entitled to apply for new tenancy—Whether judgment for forfeiture resulting in 'coming to an end of ... tenancy by ... forfeiture'—Whether tenancy not coming to an end by forfeiture until claim for relief determined—Whether undue delay in applying for relief indicating application not genuine and forfeiture fully effective—Landlord and Tenant Act 1954, s 24(2). *Meadows v Clinical, Medical and General Life Assurance Society* [1980] 1 454, ChD.

Time—Computation of time—Four months from giving of landlord's notice terminating tenancy—Landlord's notice given on last day of short month, namely 30th September—Whether four months' period expiring on 30th or 31st following January—Landlord and Tenant Act 1954, s 29(3). *Dodds v Walker* [1980] 2 507, CA.

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Tenancy—

Exclusion of statutory protection—Business user in breach of covenant in lease—Consent—Acquiescence—Consent to breach by immediate landlord or predecessor in title—Predecessor in title noticing business user of premises in breach of covenant and not objecting—Whether 'consent' to business user—Whether standing by and not objecting to breach consent or merely acquiescence—Whether consent requiring positive action accepting breach—Whether tenancy within statute—Landlord and Tenant Act 1954, s 23(4) **Bell v Alfred Franks & Bartlett Co Ltd** [1980] 1 356, CA.

Terms of new tenancy—

Inclusion of service charge over and above reserved rent—Landlord offering tenant new three-year lease containing new provisions as to service charge—Landlord claiming proportion of amount expended by him on services and repairs to building as service charge from tenant—Reserved rent to be consequentially reduced—Landlord thus obtaining clear lease free of burden of services and repairs—Whether service charge merely part of rent payable or variation of terms of tenancy—Whether transfer of risk and burden of services and repairs from landlord to tenant fair and reasonable—Landlord and Tenant Act 1954, ss 34, 35. **O'May v City of London Property Co Ltd** [1980] 3 466, CA.

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Tenant occupying house as his residence—

Occupation in right of the tenancy—Tenant not physically in occupation for three of past five years—Tenant making arrangements to sublet property—Mortgagees taking possession of property for part of five year period—Whether tenant 'occupying the house as his residence'—Whether tenant qualified to acquire freehold—Leasehold Reform Act 1967, s 1(1)(b). **Poland v Earl Cadogan** [1980] 3 544, CA.

Long leasehold—

Acquisition of freehold or extended lease. *See* Leasehold enfranchisement, *ante*.

Long tenancy at low rent—

See Leasehold enfranchisement, *ante*.

Protection. *See* Rent restriction (Long tenancy at low rent).

New tenancy—

Business premises—

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Rent restriction. *See* Rent restriction.

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Terms of new tenancy. *See* Business premises—Terms of new tenancy—Inclusion of service charge over and above reserved rent, *ante*.

Flat—

Restriction on recovery of service charge—Recovery in advance—Lease providing for payment in advance of interim sums on account of service charge—Interim sums paid into separate bank account maintained by landlord's managing agents to meet service costs during year—Whether landlord entitled to require interim sums to be paid in advance—Whether interim sums held by managing agents as stakeholders—Whether interim sums received by managing agents trust moneys—Housing Finance Act 1972, s 91A(1)(b). **Frobisher (Second Investments) Ltd v Kiloran Trust Co Ltd** [1980] 1 488, ChD.

Restriction on recovery of service charge—Supervening legislation rendering recovery of service charge in advance unlawful—Landlord obliged to borrow in order to carry out obligations under lease if unable to recover service charge in advance—Whether landlord entitled to include interest charges in fees payable to him for carrying out obligations under lease—Whether term implied in lease that tenant should pay interest charges—Housing Finance Act 1972, s 91A. **Frobisher (Second Investments) Ltd v Kiloran Trust Co Ltd** [1980] 1 488, ChD.

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Creation of interest in land. *See* Land (Interest in land—Creation—Agreement for lease).

Business premises. *See* Landlord and tenant (Business premises).

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Matrimonial cause—Certificate to prosecute suit for divorce, to continue property proceedings and to apply for an injunction—Single contribution assessed 'in respect of proceedings'—Proceedings—Whether certificate covering ancillary proceedings—Legal Aid Act 1974, s 9(6). **Hanlon v Law Society** [1980] 2 199, HL.

Charge on property recovered for deficiency of costs—

Enforcement of charge—

Discretion of Law Society—Matrimonial home occupied by wife and children of family—Court likely to postpone order for possession if charge sought to be enforced—Wife wishing to sell matrimonial home and buy smaller house—Whether Law Society bound to enforce charge—Whether Law Society having discretion to postpone enforcement—Whether charge able to be transferred to substitute home—Legal Aid Act 1974, s 9(6)—Legal Aid (General) Regulations 1971 (SI 1971 No 62, as amended by SI 1976 No 628), regs 18(10)(c), 19(1). **Hanlon v Law Society** [1980] 2 199, HL.

Property recovered or preserved in proceedings—

Recovered or preserved—Property adjustment order in matrimonial proceedings—No concession that husband's share limited to a half share nor any agreement that wife had any share at all—Matrimonial home ordered to be transferred to wife absolutely—Whether matrimonial home 'recovered or preserved' by wife—Legal Aid Act 1974, s 9(6)—Legal Aid (General) Regulations 1971 (SI 1971 No 62, as amended by SI 1976 No 628), reg 18(10)(c). **Hanlon v Law Society** [1980] 2 199, HL.

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Unassisted person's costs out of legal aid fund. *See* Unassisted person's costs out of legal aid fund, *post*.

Criminal cases—

Taxation of costs—

Solicitor's fees and expenses. *See* Taxation of costs—Solicitor's fees and expenses—Criminal proceedings, *post*.

Legal aid fund—

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Matrimonial cause—

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Solicitor's fees and expenses—

Criminal proceedings—Attendance of solicitor at trial—Whether fee should be daily attendance fee or be calculated on same basis as that for preparation of case for trial—Legal Aid in Criminal Proceedings (Fees and Expenses) Regulations 1968 (SI 1968 No 1230) regs 2 and 17(6) (as substituted by the Legal Aid in Criminal Proceedings (Fees and Expenses) Amendment Regulations 1977 (SI 1977 No 875), reg 10(4)). **R v Wilkinson** [1980] 1 597, QBD.

Criminal proceedings—Method of charging for work of preparing case for trial—Solicitors adopting method based on hourly expense rate recorded on time record sheet by partner etc occupied directly on work for client—Whether that method providing reliable basis for taxation of costs. **R v Wilkinson** [1980] 1 597, QBD.

Unassisted person's costs out of legal aid fund—

Costs incurred by unassisted party—

Costs incurred in proceedings between him and party receiving legal aid—Costs of counterclaim where defendant legally aided—Counterclaim raising issues common to both claim and counterclaim—Judge ordering payment of plaintiff's costs of counterclaim out of legal aid fund and directing that the costs attributable to the common issues should be apportioned equally to the claim and counterclaim—Whether jurisdiction to make direction—Whether costs incurred in claim can be appropriated to counterclaim—Legal Aid Act 1974, s 13(1). **Millican v Tucker** [1980] 1 1083, CA.

Costs incurred in proceedings between him and party receiving legal aid—Proceedings—Interlocutory appeal—Interlocutory appeal in action in Queen's Bench Division claiming damages for personal injuries—Interlocutory appeal by legally aided plaintiff dismissed—Whether power to order payment of unassisted defendant's costs of the appeal out of the legal aid fund—Whether interlocutory appeal 'proceedings' in connection with which plaintiff receiving legal aid—Legal Aid Act 1974, s 13(1). **Mearity v D J Ryan & Sons Ltd** (No 2) [1980] 3 602, CA.

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Court's power to override time limit in personal injury or fatal accident claim—

Exercise of discretion—

Unfettered discretion to allow action to proceed where equitable to do so—Discretion not limited to exceptional cases—Failure of plaintiff's solicitor to issue writ in time—Delay in issuing writ due to solicitor's difficulty in identifying defendant, one of a group of companies, because defendant not identified in statement of terms of plaintiff's employment or his pay slips and group's insurers not identifying defendant—Whether prejudice to plaintiff in allowing action to proceed caused by provisions of s 2A of Limitation Act 1939 or by solicitor's delay—Whether proper case to exercise discretion to override time limit—Limitation Act 1939, s 2D(1)(as inserted by Limitation Act 1975, s 1). *Simpson v Norwest Holst Southern Ltd* [1980] 2 417, CA.

Matters to which court may have regard—

Action claiming damages for personal injury—sustained in road accident—Defendant's insurers disclaiming liability—Motor Insurers' Bureau liable to meet judgment against defendant—Plea of limitation actions raised—Whether discretion to override time limit should be exercised—Whether fact that Motor Insurers' Bureau would meet judgment a matter to be taken into consideration—Limitation Act 1939, s 2D(1)(a)(3)(as inserted by Limitation Act 1975, s 1(1)). *Liff v Peasley* [1980] 1 623, CA.

Exercise of discretion—

Whether unfettered discretion—Whether plaintiff barred from commencing second action and seeking court's discretion to override time limit where failure to serve writ in first action commenced within primary limitation period or where first action struck out for want of prosecution or discontinued—Limitation Act 1939, s 2D(1)(as inserted by the Limitation Act 1975, s 1(1)). *Chappell v Cooper, Player v Bruguere* [1980] 2 463, CA.

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Court's power to override time limit. *See Court's power to override time limit in personal injury or fatal accident claim, ante.*

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When time begins to run—

Personal injury claim—

Date of plaintiff's knowledge of identity of defendant—Defendant plaintiff's employer and one of several companies forming part of group—Statement of plaintiff's terms of employment and his pay slips not identifying which company was his employer because group name used in statement and pay slips—Plaintiff injured on 4th August 1976 but defendant's identity not discovered until 4th July 1979 when group's insurers informing plaintiff's solicitor which company was the employer—Solicitor commencing action on 17th August 1979 more than three years from date cause of action accrued—Whether action time-barred—Whether plaintiff knew or could reasonably have been expected to acquire knowledge of defendant's identity before 17th August 1976—Limitation Act 1939, s 2A(b)(6)(8) (as inserted by the Limitation Act 1975, s 1). *Simpson v Norwest Holst Southern Ltd* [1980] 2 471, CA.

LIQUIDATOR

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Imported animals. *See* **Animal** (Importation of animal—Quarantine—Provision by local authority of quarantine station).

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Generally. *See* **Licensing**.Public dancing, music or other entertainment. *See* **Entertainment** (Music and dancing licence).

Summary trial—

Offence triable summarily or on indictment—

Minor offence of criminal damage—Offence triable summarily only unless offence forming part of series of offences of same or similar character—Factors constituting offences of similar character—Accused charged with damaging police uniform valued at £23 and using threatening words and behaviour likely to occasion breach of peace, assaulting a constable and wilfully obstructing constable—Last three offences triable summarily only—Whether offence of criminal damage to uniform triable summarily only—Whether one of several offences of 'similar character'—Criminal Law Act 1977, s 23(7)(a). *R v Hatfield Justices, ex parte Castle* [1980] 3 509, QBD.

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MAREVA INJUNCTION*See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction).**MARITIME LIEN**Generally. *See* **Shipping** (Maritime lien).**MARRIAGE**Dissolution. *See* **Divorce**.**MASTER AND SERVANT**

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Wrongful dismissal—Effect—Employer wrongfully dismissing employee by not following correct dismissal procedure—Whether wrongful dismissal automatically terminating contract—Whether wrongful dismissal merely a repudiation which did not bring contract to an end until accepted by employee. *Gunton v Richmond Borough Council* [1980] 3 577, CA.

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Local authority. *See* **Child** (Care—Local authority).Proceedings in juvenile court. *See* **Children and young persons** (Care proceedings in juvenile court).

Custody—

Access—

Supervised access—Application to court for supervised access—Consent of person to supervise access—Welfare officers to be asked to supervise access only in exceptional circumstances. **Practice Direction** [1980] 1 1040, FamD.

MINOR (cont)

Custody (cont)—

Application—

Applications which may be made to registrar—Wardship and guardianship proceedings—
Application for access where other party consents to access and only issue extent of the
access—Such applications to be made in first instance to registrar unless exceptional
circumstances make it desirable to apply to a judge. *Practice Direction* [1980] 1 813,
FamD.

Care and control—

Divorce. *See* **Divorce** (Custody—Care and control).

Education—

Maintenance. *See* **Maintenance**—Education or training, *post*.

Immigration—

Detention. *See* **Immigration** (Detention—Minor).

Maintenance—

Education or training—

Maintenance order including element in respect of school fees—Amount paid direct to
school—Tax relief—Form of order—Contract for child's education to be between child and
school—Form of contract. *Practice Direction* [1980] 3 832, FamD.

Payment to minor—

Payment directly to child or to person with whom child has his home—Registration of order
in magistrates' court—Right of person with whom child has his home to proceed in his own
name for variation, revival or revocation or for enforcement of order—Orders for payment
direct to minor not to be made where of no benefit to parties or no tax advantage—
Magistrates' Courts Act 1952, s 53A. *Practice Direction* [1980] 1 1007, FamD.

Ward of court. *See* **Ward of court**.

MISCONDUCT

Professional misconduct—

Dentist. *See* **Dentist** (Professional misconduct).

MISTAKE

Mistake of fact—

Money paid under mistake of fact—

Equitable right to trace money paid under mistake of fact—Production of bankers' books—
Plaintiff seeking to trace money paid under mistake of fact induced by fraud—Power to
make interlocutory order for disclosure of bankers' books and correspondence between
bank and customer to show amount standing in defendant's account—Defendants outside
jurisdiction—Plaintiff unable to effect service on defendants but effecting service on
bank—Bank not implicated in fraud—Whether interlocutory order for disclosure may be
made against bank. *Bankers Trust Co v Shapira* [1980] 3 353, CA.

Mistake of law—

Correction—

Availability of judicial review as means of correcting mistake. *See* **Judicial review**
(Availability of remedy—Correction of mistakes of law).

MISUSE OF DRUGS

Sentence—

Forfeiture order. *See* **Sentence** (Forfeiture order—Forfeiture of profits made by offender out of
offence—Forfeiture order made under Misuse of Drugs Act 1971).

MOBILE HOME

Agreement offered by site owner to occupier of mobile home—

Dispute—

Occupier dissatisfied with terms of agreement—Application to court for determination of
matter in dispute—Criteria to be applied in determining matter in dispute—Mobile Homes
Act 1975, s 4(5) (7). *Grant v Allen* [1980] 1 720, CA.

Terms of agreement offered by owner—

Date of commencement of agreement omitted—Term that owner could move mobile home
for purpose of better management of park—Term imposing on occupier obligation to pay
commission to owner where mobile home not sold to assignee of agreement—Term giving
owner right of access to pitch for purpose of inspecting and maintaining property other than
his own—County court's power to make date of commencement of agreement
retrospective—Whether terms offered valid—Mobile Homes Act 1975, s 3(f)(h)(i)(j). *Grant
v Allen* [1980] 1 720, CA.

MONEY

Following money—

Plaintiff seeking to trace money paid under mistake of fact induced by fraud—

Power to make interlocutory order for disclosure of banker's books to show amount standing
in defendant's account. *A v C* [1980] 2 347, QBD.

Payment out of court. *See* **Practice** (Payment out of court).

MORTGAGE

Equitable interest—

Priority—

Husband and wife's joint purchase of matrimonial home—Conveyance in husband's sole
name—Husband mortgaging home without wife's knowledge—Possession sought by
mortgagee—Whether mortgagee having priority over wife's equitable interest—Whether
wife's interest 'subsisting in reference' to land—Land Registration Act 1925, s 70(1).
Williams & Glyn's Bank Ltd v Boland, Williams & Glyn's Bank Ltd v Brown [1980] 2
408, HL.

MOTION

Practice. *See* **Practice** (Motion).

MOTOR VEHICLE

- Collision on road—
- Negligence—
 - Contributory negligence. *See* **Negligence** (Contributory negligence—Collision of vehicles on road).
- Presence on road—
- Accident—
 - Breath test. *See* **Road traffic** (Breath test—Accident owing to presence of motor vehicle on road).

MUSIC

- Licence. *See* **Entertainment** (Music and dancing licence).

MUSICAL WORK

- Copyright. *See* **Copyright** (Musical work).

NATIONAL ASSISTANCE

- Supplementary benefit. *See* **Supplementary benefit**.

NATIONAL INSURANCE

- Offence—
 - Knowingly making false statement or representation for purpose of obtaining benefit—
 - Ingredients of offence—Claimant knowingly making false statement in claim form—
 - Claimant's purpose in making false statement merely to deceive his employer—Claimant unaware that his statement would affect amount of benefit payable—Whether offence committed—Whether necessary to prove that false statement made with intention of obtaining benefit—Social Security Act 1975, s 146(3). *Barrass v Reeve* [1980] 3 705, QBD.
- Supplementary benefit. *See* **Supplementary benefit**.

NATURAL JUSTICE

- Hearing—
 - Duty to hear parties, etc—
 - Public inquiry. *See* **Public inquiry**—Duty to hear parties, *post*.

NATURAL HAZARD

- Nuisance. *See* **Nuisance** (Natural processes).

NATURAL JUSTICE

- Commission for Racial Equality—
- Investigation of complaint—
 - Duty to act fairly. *See* **Race relations** (Investigation of complaint—Commission for Racial Equality—Duty to act fairly).
- Duty to act fairly—
 - Commission for Racial Equality—
 - Investigation of complaint. *See* **Race relations** (Investigation of complaint—Commission for Racial Equality—Duty to act fairly).
- Hearing—
 - Duty to hear parties, etc—
 - Airports authority—Mini-cab driver prohibited from entering airport—No opportunity to protest given to driver—Whether driver having legitimate expectation of being heard—Whether rules of natural justice observed. *Cinnamond v British Airports Authority* [1980] 2 368, CA.
- Public inquiry—
 - Duty to hear parties—
 - Departmental advice received by Minister after inquiry closed—Department changing method of forecasting traffic growth after inquiry closed—Whether Minister required to communicate change of method to objectors and reopen inquiry—Whether Minister required to disclose departmental advice received after inquiry. *Bushell v Secretary of State for the Environment* [1980] 2 608, HL.
 - Right to cross-examine witnesses—Ministerial policy—Methods used in formulating policy—
 - Local inquiry to hear objections to motorway scheme—Objectors wishing to cross-examine departmental witnesses on methods used to predict future traffic volumes—Cross-examination disallowed—Whether breach of rules of natural justice. *Bushell v Secretary of State for the Environment* [1980] 2 608, HL.
 - Opportunity to be heard—Adjournment of inquiry—Local inquiry into refusal of planning permission—Application for adjournment to allow applicant to prepare case and instruct counsel—Secretary of State refusing adjournment—Inspector having power to adjourn inquiry in interests of justice—Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), r 10(8). *Co-operative Retail Services Ltd v Secretary of State for the Environment* [1980] 1 449, CA.

NEGLIGENCE

- Contributory negligence—
- Collision between vehicles on road—
 - Car emerging from minor to major road—Driver's vision blocked by stationary vehicle—Driver inching out slowly in front of stationary vehicle even though vision blocked—Motor cyclist overtaking stationary vehicle and crashing into emerging car—Whether motor cyclist solely responsible for accident—Whether driver of emerging car also responsible for accident. *Worsfold v Howe* [1980] 1 1028, CA.
- Damages—
 - Personal injury. *See* **Damages** (Personal injury).

NEGLIGENCE (cont)

Defence—

Sudden event or affliction—

Malfunction of mind—Road accident—Driver suffering stroke shortly before accident—Stroke causing impairment of driver's consciousness—Driver's control of vehicle impaired—Driver not aware of stroke—Driver aware of feeling queer at time of accident—Whether impairment of consciousness a defence—Whether driver liable for damage caused by accident. **Roberts v Ramsbottom** [1980] 1 7 QBD.

Volenti non fit injuria. *See* Volenti non fit injuria, *post*.

Duty to take care—

Criminal activities—

Duty owed by criminal to fellow participant in crime—Plaintiff injured while a passenger in get-away car fleeing from crime—Whether driver of get-away car owing a duty of care to plaintiff—Whether public policy preventing duty of care being owed to plaintiff. **Ashton v Turner** [1980] 3 870, QBD.

Manufacturer's liability—

Defective trailer coupling for trailer—

User of trailer injured in accident. *See* **Sale of goods** (Implied condition as to fitness—Defective trailer coupling supplied by garage to vehicle owner for use with trailer).

Medical practitioner—

Expert evidence—

Disclosure to other parties. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties—Action for medical negligence).

Generally. *See* **Medical practitioner** (Negligence).

Personal injury—

Damages. *See* **Damages** (Personal injury).

Expert evidence—

Disclosure to other parties—Action for medical negligence. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties—Action for medical negligence).

Vehicles—

Contributory negligence—

Collision. *See* **Contributory negligence**—Collision between vehicles on road, *ante*.

Volenti non fit injuria—

Knowledge of risk—

Passenger in car—Intoxicated driver—Car being used to escape from scene of crime—Car crashing causing injuries to passenger—Whether defence of volenti available to driver. **Ashton v Turner** [1980] 3 870, QBD.

Withdrawal of issue from jury—

Suspected terrorists shot dead in Northern Ireland by army patrol of four soldiers protecting bank—

Action by widow against Ministry of Defence claiming damages—Allegation in statement of claim that soldiers negligent—No allegation of negligence made against anyone else in planning operation to protect bank—Trial judge withdrawing issue of negligence from jury—Whether issue of negligence should have been withdrawn from jury. **Farrell v Secretary of State for Defence** [1980] 1 166, HL.

NEW TENANCYBusiness premises. *See* **Landlord and tenant** (Business premises).**NON PATRIAL**Immigration. *See* **Immigration**.**NOTICE**

Sale of land—

Notice to complete. *See* **Sale of land** (Notice to complete).**NOTICE TO QUIT**Agricultural holding. *See* **Agricultural holding** (Notice to quit).**NUISANCE**

Damage—

Continuing threat of damage—

Injunction. *See* **Injunction** (Nuisance—Continuing threat of damage).

Damages—

Repairs to building—

Cost of repairs—Pile driving operations causing damage to next door building—Owners deferring carrying out repairs until after trial of action 10 years later—Owners deferring repairs partly for financial reasons and partly for commercial reasons—Whether damages to be assessed at date physically reasonable to commence repairs—Whether owners entitled to damages assessed at date of hearing. **Dodd Properties (Kent) Ltd v Canterbury City Council** [1980] 1 928, CA.

Escape in consequence of non-natural use of land—

Natural processes. *See* **Natural processes**, *post*.Injunction. *See* **Injunction** (Nuisance).

Natural processes—

Change in nature of land itself—

Change giving rise to State of affairs constituting hazard to neighbouring properties—Occupier aware of hazard—Duty of occupier to abate hazard—Plaintiffs' houses adjacent to steep mound owned and occupied by defendant—Earth movements taking place in mound as a result of natural causes—Movements giving rise to danger of bank collapsing onto houses—Whether defendant under a duty to take reasonable steps to abate danger. **Leakey v National Trust for Places of Historic Interest or Natural Beauty** [1980] 1 17, CA.

NUISANCE (cont)

Occupier—

Duty to abate hazard—

Occupier aware of hazard—Change in nature of land giving rise to hazard. *See* Natural processes—Change in nature of land itself—Change giving rise to state of affairs constituting hazard to neighbouring properties—Occupier aware of hazard—Duty of occupier to abate hazard, *ante*.

OBSCENE PUBLICATIONS

Generally. *See* Criminal law (Obscene publications).

OBSTRUCTION

Course of justice—

Generally. *See* Criminal law (Obstructing course of justice).

OCCUPATION

Premises—

Business purposes. *See* Landlord and tenant (Business premises—Occupied for business purposes).

OCCUPIER

Nuisance. *See* Nuisance (Occupier).

OFFENCE

Income tax. *See* Income tax (Offence).

OFFICE

Emoluments from office—

Income tax. *See* Income tax (Emoluments from office or employment).

OIL

Hydrocarbon oil—

Duty on. *See* Customs and excise (Hydrocarbon oils).

OPTION

Option to purchase—

Implied term—

Implied term that grantor would retain subject-matter of option during option period—Option not exercisable until after grantor's death—Grantee accepting lease from grantor of part of option land at high rent because lease granted him option to purchase whole of land at favourable price after grantor's death—Right of pre-emption of option land granted prior to grant of option—Right of pre-emption exercised before grantor's death—Whether term to be implied in option that grantor would not sell land during option period. *Pritchard v Briggs* [1980] 1 294, CA.

Pre-emption—

Creation of interest in land—

Option to purchase land granted subsequently to grant of right of pre-emption—Right of pre-emption registered as land charge prior to grant and registration of option—Right of pre-emption exercised before option exercised—Grantor of right of pre-emption and option patient under Mental Health Act—Sale of land purportedly pursuant to exercise of right of pre-emption—Authorisation of sale by Court of Protection—Payment of two cheques together amounting to purchase at market value—Right of pre-emption providing for purchase at low price—Whether right of pre-emption taking priority over option—Whether right of pre-emption creating interest in land—Whether sale pursuant to exercise of right of pre-emption genuine sale pursuant to right—Whether order of Court of Protection constituting lawful justification for sale—Law of Property Act 1925, s 204—Mental Health Act 1959, s 116. *Pritchard v Briggs* [1980] 1 294, CA.

ORDER

Amendment—

Accidental slip or omission. *See* Judgment (Order—Correction—Accidental slip or omission).
Crown Court. *See* Crown Court (Order—Amendment).

Correction—

Accidental slip or omission. *See* Judgment (Order—Correction—Accidental slip or omission).

Drawing-up. *See* Practice (Order—Drawing-up).

Garnishee order. *See* Execution (Garnishee order).

ORIGINATING SUMMONS

Adjournment to judge—

Chancery Division—

Chambers proceedings. *See* Practice (Chambers proceedings—Adjournment to judge—Originating summons).

Chancery Division—

Chambers proceedings—

Adjournment to judge. *See* Practice (Chambers proceedings—Adjournment to judge—Originating summons).

OVERRIDING INTEREST

Registered land. *See* Land registration (Overriding interest).

OVERSEA COMPANY

Charge created by oversea company—

Registration. *See* Company (Charge—Registration—Charge created by oversea company with place of business in England).

PARENT

- Rights in respect of child—
 - Assumption by local authority. *See* **Child** (Care—Local authority—Assumption by authority of parental rights).

PARTIES

- Adding persons as parties. *See* **Practice** (Parties).
- Death of party—
 - Criminal appeal—
 - Death before appeal heard. *See* **Criminal law** (Appeal—Death of appellant).

PARTNERSHIP

- Income tax—
 - Income arising from possessions out of United Kingdom—
 - Partnership between taxpayer and Bahamian company. *See* **Income tax** (Foreign possessions—Income arising from possessions out of United Kingdom—Partnership between taxpayer and Bahamian company).
- Solicitor—
 - Liability for acts of his partners—
 - Misappropriation of trust funds. *See* **Solicitor** (Liability—Constructive trustee—Misappropriation of trust money—Liability of solicitor's partner for misappropriation).

PASTURE

- Common of pasture by reason of vicinage—
 - Whether a right of common. *See* **Commons** (Right of common—Common of pasture by reason of vicinage).

PATIENT

- Mental. *See* **Mental health**.

PATERNITY

- Blood test—
 - Wardship proceedings—
 - Circumstances in which court will order blood test in wardship proceedings. *Re JS (a minor)* [1980] 1 1061, CA.
- Ward of court—
 - Declaration of paternity—
 - Jurisdiction to make grant bare declaration in wardship proceedings. *See* **Ward of court** (Jurisdiction—Declaration of paternity).

PAYMENT OUT OF COURT

- Generally. *See* **Practice** (Payment out of court).

PERIODICAL PAYMENTS

- Divorce. *See* **Divorce** (Financial provision—Periodical payments).

PERMITTED HOURS

- Licensing. *See* **Licensing** (Permitted hours).

PERSONAL INJURIES

- Action—
 - Experts' reports—
 - Disclosure to other parties—Action for medical negligence. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties—Action for medical negligence).
 - Interlocutory injunction—
 - Danger that defendant may transfer assets out of jurisdiction—Injunction restraining removal of assets out of jurisdiction—Power of Court to grant such an injunction in a personal injuries action. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction—Injunction restraining removal of assets out of jurisdiction—Personal injuries claim).
 - Limitation of time—
 - Court's power to override time limit. *See* **Limitation of action** (Court's power to override time limit in personal injury or fatal accident claim).
 - When time begins to run. *See* **Limitation of action** (When time begins to run—Personal injury claim).
- Damages—
 - Generally. *See* **Damages** (Personal injury).
- Medical examination of plaintiff—
 - Stay of proceedings. *See* **Practice** (Stay of proceedings—Medical examination of plaintiff at defendant's request).

PERSONAL PROPERTY

- Conflict of laws. *See* **Conflict of laws** (Movables).

PETITION

- Appeal—
 - House of Lords—
 - Leave to appeal. *See* **House of Lords** (Leave to appeal—Petition for leave to appeal).
- Company—
 - Compulsory winding-up—
 - Creditor's petition. *See* **Company** (Compulsory winding-up—Petition by creditor).

PHEASANTS

Livestock—

Agriculture—

Pheasants kept for sport. *See* **Rent restriction** (Agricultural worker—Agriculture—Livestock keeping—Animal kept for production of food—Keeping and rearing of pheasants for sport).

PLANNING

Town and country planning. *See* **Town and country planning**.

PLANNING PERMISSION

Development. *See* **Town and country planning** (Permission for development).

PLANT

Income tax—

Allowance. *See* **Income tax** (Capital allowances—Plant).

PLEADING

Counterclaim—

When counterclaim can be made—

Plaintiff obtaining RSC Ord 14 judgment against defendant and defendant satisfying judgment—Counterclaim raised but not pleaded prior to Ord 14 judgment—Whether defendant entitled to serve counterclaim after judgment obtained and satisfied—Whether power to 'make' counterclaim entitling defendant to plead counterclaim after final judgment obtained—Supreme Court of Judicature (Consolidation) Act 1925, s 39(1)—RSC Ord 15, r 2. *CSI International Co Ltd v Archway Personnel (Middle East) Ltd* [1980] 3 215, CA.

Defence—

Counterclaim. *See* **Counterclaim**, *ante*.

Probate. *See* **Probate** (Pleading).

POLICE

Admissions and confessions to police—

Admissibility in criminal proceedings. *See* **Criminal evidence** (Admissions and confessions—Answers and statements to police).

Search warrant—

Obscene publications—

Validity of warrant. *See* **Criminal law** (Obscene publications—Power of search and seizure—Validity of warrant).

POLITICAL OFFENCE

Extradition—

Restriction on surrender of fugitive criminal. *See* **Extradition** (Restrictions on surrender—Political offence).

POLITICAL PARTY

Unincorporated association. *See* **Unincorporated association** (Requirements of unincorporated association—Political party comprising members of local constituency associations and both Houses of Parliament).

POSSESSION

Firearm—

Generally. *See* **Firearms** (Possession).

Land—

Summary proceedings to recover possession. *See* **Land** (Summary proceedings for possession).

POST

Use of postal facilities—

Issue of writs etc. *See* **Practice** (Post—Use of postal facilities—Issue of writs etc).

PRACTICE

Adding defendants. *See* **Parties**—Adding defendant, *post*.

Admiralty. *See* **Admiralty** (Practice).

Appeal—

Criminal cases. *See* **Criminal law** (Appeal).

Case stated. *See* **Case stated**.

Chambers proceedings—

Adjournment to judge—

Originating summons—Discretion of master to adjourn summons unheard or to hear it first—Parties informing master that whatever his decision adjournment to judge would be sought—Summons raising difficult point of law—Whether master should hear summons before adjourning it to judge—RSC Ord 32, r 14(1)(4). *Re Beaumont (deceased)* [1980] 1 266, ChD.

Costs—

Assessment. *See* **Costs** (Assessment in chambers).

Chancery Division—

Assessment in chambers. *See* **Costs** (Assessment in chambers—Chancery Division).

Estimate of length of trial. *See* **Trial**—Estimate of length of trial, *post*.

Order—

Drawing-up—Bespeaking orders. *See* **Order**—Drawing up—Bespeaking orders, *post*.

Transfer of proceedings to Queen's Bench Division—

Allegation of fraud. *See* **Transfer of proceedings between Divisions of High Court**—Jury trial available as of right in action begun in Queen's Bench Division where fraud in issue—Action begun in Chancery Division including allegation of fraud, *post*.

PRACTICE (cont)

Costs—

Legal aid. *See* **Legal aid**.

Criminal proceedings—

Appeal. *See* **Criminal law (Appeal)**.

Cross-examination—

Right to cross-examine—

Refusal of right—Discretion of court—Application to annul adjudication. *See* **Bankruptcy** (Annulment—Application to annul adjudication—Cross-examination of bankrupt—Affidavit of bankrupt used in court—Cross-examination on affidavit—Discretion of court to refuse to allow cross-examination).

Directions for trial—

Matrimonial causes. *See* **Matrimonial causes—Trial—Directions for trial, post**.

Discontinuance of action—

Discontinuance by plaintiff—

Action brought in England claiming damages for personal injuries—Defendant ordered to make interim payments on admitting liability—Plaintiff commencing action in America in hope of getting higher damages—Plaintiff purporting to discontinue English action—Defendant applying for order to strike out notice of discontinuance and for injunction to restrain plaintiff continuing proceedings in America and commencing other proceedings there or elsewhere—Whether notice of discontinuance should be struck out—Whether injunction should be granted. **Castanho v Brown & Root (UK) Ltd [1980] 3 72, CA**.Discovery. *See* **Discovery**.

Dismissal of action for want of prosecution.

Arbitration proceedings. *See* **Arbitration (Practice—Want of prosecution)**.Drawing-up orders. *See* **Order—Drawing-up, post**.Estimate of length of trial. *See* **Trial—Estimate of length of trial, post**.

Evidence—

Expert evidence—

Disclosure to other parties—Action for medical negligence—Disclosure of reports—Number of medical witnesses—Whether action for medical negligence an exception to general rule requiring disclosure of medical reports in personal injuries actions unless sufficient reason for non disclosure—Whether number of medical witnesses should be limited in action for medical negligence—RSC Ord 38, r 37(2). **Rahman v Kirklees Area Health Authority [1980] 3 610, CA**.

Extension of time—

Family provision application. *See* **Family provision (Time for application—Extension)**.Generally. *See* **Time (Extension of time)**.

Family Division—

Counsel's fees—

Interlocutory fees—Scale of fees to be allowed on taxation. **Practice Direction [1980] 1 496, FamD**.*See* **Family Division**.House of Lords. *See* **House of Lords**.

Inspection of property—

Document not subject-matter of action—

Interlocutory motion—Ex parte application—Jurisdiction to make order—Plaintiff wishing to support claim by reference to books of account in defendant's custody—Plaintiff fearing that accounts would be destroyed—Whether discretion to order inspection and removal of accounts—Principles on which discretion to be exercised. **Yousif v Salama [1980] 3 405, CA**.

Property subject-matter of action or in respect of which question arising—

Privilege against self-incrimination—Interlocutory motion—Ex parte application—Jurisdiction to make order—Order requiring disclosure of information—Defendants pirating films and selling unauthorised video cassettes—Defendants' actions both an infringement of copyright and a summary offence—Whether jurisdiction to issue ex parte order authorising entry of premises and seizure of infringing material—Whether defendants entitled to claim privilege against self-incrimination in respect of disclosure of information—Copyright Act 1956, ss 16, 21—Theft Act 1968, s 31. **Rank Film Distributors Ltd v Video Information Centre [1980] 2 273, CA**.

Joinder of parties—

Joinder of defendants. *See* **Parties—Adding defendant, post**.Judicial review. *See* **Judicial review**.Land registration. *See* **Land registration**.

Liberty to apply—

Family Division. *See* **Family Division (Applications to the court—Liberty to apply)**.

Matrimonial causes—

Applications to the court—

Liberty to apply. *See* **Family Division (Applications to the court—Liberty to apply)**.

Trial—

Directions for trial—Applications for property adjustment and lump sums—Pre-trial review—Registrar to consider possibility of settlement of case or to clarify issues—Directions as to discovery. **Practice Direction [1980] 1 592, FamD**.

Medical reports—

Disclosure—

Stay of proceedings—Medical examination of plaintiff at defendant's request. *See* **Stay of proceedings—Medical examination of plaintiff at defendant's request—Disclosure of medical reports to plaintiff, post**.

Motion—

Ex parte motion—

Chancery Division. **Practice Direction. [1980] 2 750, ChD**.

Hearing—

Chancery Division. **Practice Direction. [1980] 2 750, ChD**.

PRACTICE (cont)**Motion (cont)—**

Motion in respect of trade mark. *See* **Trade mark** (Motions in respect of trade marks).

Notice of motion—

Chancery Division. **Practice Direction** [1980] 2 750, ChD.

Standing over and saving motions—

Chancery Division. **Practice Direction** [1980] 2 750, ChD.

Non-contentious probate. *See* **Probate** (Practice—Non-contentious probate).

Order—**Drawing-up—**

Bespeaking orders—Chancery Division—Necessity to bespeak order promptly—Where undue delay in bespeaking order application may be listed for hearing in open court—Order for costs may be made against solicitor personally—RSC Ord 42, r 7, Ord 62, r 8. **Practice Direction** [1980] 2 400, ChD.

Parties—**Adding defendant—**

Amendment of writ—Date from which added defendant becomes party to proceedings—Action against added defendant time-barred at date writ amended—Whether joinder taking effect from date of original writ or from date writ amended—Whether added defendant entitled to plead defence of limitation on basis that joinder takes effect from date writ amended. *Liff v Peasley* [1980] 1 623, CA.

Amendment of writ—Defendant entering unconditional appearance to amended writ—Defendant serving defence that action time-barred—Defendant applying for order to strike out joinder—Whether entry of unconditional appearance precluding defendant from objecting to joinder—Whether defendant ceasing to be a party because he had improperly been made a party or because he had ceased to be a proper party on service of defence pleading statute of limitation—RSC Ord 15, r 6(2)(a). *Liff v Peasley* [1980] 1 623, CA.

Joinder of parties—

Joinder of defendants. *See* **Parties—Adding defendant, ante.**

Payment out of court—**Interest—**

Defendant lodging money in court as condition of liberty to defend—Defendant giving notice of appropriation—Transfer of accrued interest to Paymaster General—Transfer limited to cases where plaintiff had accepted money paid in—Successful defendant entitled to accrued interest—Supreme Court Funds Rules 1975 (SI 1975 No 1803), r 27(1). *Schroeder v Accountant General* [1980] 2 648, QBD.

Personal injuries action—**Experts' reports—**

Disclosure to other parties—Action for medical negligence. *See* **Evidence—Expert evidence—Disclosure to other parties—Action for medical negligence, ante.**

Personal injuries claim—**Medical examination of plaintiff—**

Stay of proceedings. *See* **Stay of proceedings—Medical examination of plaintiff at defendant's request, post**.

Pleading. *See* **Pleading.****Post—****Use of postal facilities—**

Issue of writs etc—Changes in Central office practice. **Practice Direction** [1980] 3 822, QBD.

Probate. *See* **Probate (Practice).****Service out of the jurisdiction—****Action founded on tort committed within jurisdiction—**

Claim for negligence—Plaintiff employee injured in England through using defective machine made in Germany but purchased in England—Claim by plaintiff against defendant employers in negligence—Application by defendants for leave to serve third party notice on German manufacturers outside jurisdiction—Whether cause of action substantially arising in England—RSC Ord 11, r 1(1)(h). *Castree v ER Squibb & Sons Ltd* [1980] 2 589, CA.

Changes in Central office practice—

RSC Ord 11. **Practice Direction** [1980] 3 822, QBD.

Stay of proceedings—**Company—**

Winding-up—Stay of pending proceedings. *See* **Company** (Winding-up—Stay of pending proceedings).

Foreign jurisdiction clause—

Agreement made in Switzerland containing purported assignment by Swiss corporation to Swiss bank of its rights of action in England against another—Agreement providing that all disputes regarding it to be determined by Swiss court—Bank selling rights of action to third party for large sum—Corporation bringing action in England against bank claiming assignment void—Application for stay of proceedings—Whether application should be granted. *Trendtex Trading Corp v Crédit Suisse* [1980] 3 721, QBD and CA.

Medical examination of plaintiff at defendant's request—

Disclosure of medical reports to plaintiff—Refusal of plaintiff to submit to examination unless medical reports disclosed to him—Application by defendant for stay until plaintiff unconditionally submitted to examination—Whether stay should be granted—RSC Ord 38, r 37. *Mearity v D J Ryan & Sons Ltd* [1980] 2 832, CA.

Refusal to submit to examination—Refusal to submit unless plaintiff's doctor present—Uneducated and unskilled plaintiff—Whether general rule that plaintiff need not submit to examination by defendant's doctor unless plaintiff's doctor present—Whether necessary to have reasonable grounds for having plaintiff's doctor present—Whether fact that plaintiff a woman in her fifties a reasonable ground. *Hall v Avon Area Health Authority* (Teaching) [1980] 1 516, CA.

PRACTICE (cont)

Summons—

Chancery Division—

Adjournment of summons to judge. *See* Chambers proceedings—Adjournment to judge—Originating summons, *ante*.

New form of writ of summons. *See* Writ (New form of writ of summons).

Time. *See* Time.

Transfer of proceedings between Divisions of High Court—

Jury trial available as of right in action begun in Queen's Bench Division where fraud in issue—

Action begun in Chancery Division including allegation of fraud—Whether right to have action transferred to Queen's Bench Division to obtain jury trial—Whether fraud in issue—Whether court should exercise discretion to transfer action—Administration of Justice (Miscellaneous Provisions) Act 1933, s 6(1). *Stafford Winfield Cook & Partners Ltd v Winfield* [1980] 3 759, ChD.

Trial—

Directions for trial—

Matrimonial causes. *See* Matrimonial causes—Trial—Directions for trial, *ante*.

Estimate of length of trial—

Certificate of counsel—Northern area listing of Chancery cases—Necessity for case to be ready for date fixed—Procedure for vacating allotted dates. *Practice Direction* [1980] 3 831, ChD.

Matrimonial causes. *See* Matrimonial causes—Trial, *ante*.

Witness—

Generally. *See* Witness.

Writ—

New form of writ of summons. *See* Writ (New form of writ of summons).

Renewal—

Admiralty action in rem. *See* Admiralty (Practice—Action in rem—Writ—Renewal).

Generally. *See* Writ (Extension of validity).

Service—

Service out of jurisdiction. *See* Service out of the jurisdiction, *ante*.

PRE-EMPTION

Creation of interest in land—

Option to purchase land—

Option granted subsequently to grant of right of pre-emption. *See* Option (Pre-emption—Creation of interest in land—Option to purchase land granted subsequently to grant of right of pre-emption).

PREFERENTIAL PAYMENTS

Company—

Winding-up. *See* Company (Winding-up—Preferential payments).

PREMISES

Business premises—

Lease—

Generally. *See* Landlord and tenant (Business premises).

Licence to occupy—

Generally. *See* Licence (Licence to occupy premises).

Specific performance. *See* Specific performance (Defence to action—Licence).

PRESCRIPTION

Water—

Easement. *See* Easement (Water—Prescription).

PRESERVATION

Trees. *See* Town and country planning (Trees—Preservation order).

PREVENTION OF CRIME

Use of force in prevention of crime—

Defence to action for assault. *See* Trespass to the person (Assault—Defence—Use of force in prevention of crime).

PRIVATE INTERNATIONAL LAW

See Conflict of laws.

PRIVATE PROSECUTION

Crown Court—

Trial. *See* Criminal law (Trial—Crown Court—Private prosecution).

PRIVILEGE

Discovery of documents. *See* Discovery (Privilege).

Inspection of property—

Privilege against self-incrimination. *See* Practice (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).

PRIZE COMPETITION

See Gaming (Prize competition).

PROBATE

Grant—

Resealing—

Grants made in Southern Rhodesia—Grants made in Zimbabwe—Colonial Probates Act 1892. *Practice Direction* [1980] 2 324, FamD.

PROBATE (cont)

Pleading—

Contents of pleading—

Plea of want of knowledge and approval—Plea of undue influence—Nature of case relied on required to be specified—Allegation which would be relevant in support of plea of undue influence—Party pleading that testator did not know and approve of contents of will when executing it—Party alleging in support of that plea matters which would also support plea of undue influence—Party precluded from doing so unless undue influence also pleaded—Whether party's allegations in support of plea of want of knowledge and approval an allegation which would be 'relevant in support of' plea of undue influence—RSC Ord 76, r 9(3). *Re Stott (deceased)* [1980] 1 259, ChD.

Practice—

Non-contentious probate—

Applications to the court—Liberty to apply—'Liberty to apply' not giving right to apply to the court without complying with the rules—Non-Contentious Probate Rules 1954 (SI 1954 No 796). *Practice Direction* [1980] 1 1008, FamD.

Resealing of grant. *See* Grant—Resealing, *ante*.

Undue influence—

Allegations in support of plea of want of knowledge and approval—

Nature of case required to be specified. *See* Pleading—Contents of pleading—Plea of want of knowledge and approval—Plea of undue influence—Nature of case relied on or required to be specified, *ante*.

PROCEDURE

High Court. *See* Practice.

Industrial tribunal. *See* Industrial tribunal (Procedure).

PRODUCTION

Documents—

Company documents—

Power of Department of Trade to require production of documents. *See* Company (Documents)—Inspection—Power of Department of Trade to require production of documents).

PROFESSIONAL INDEMNITY INSURANCE

See Insurance (Liability insurance—Professional indemnity insurance).

PROFESSIONAL MISCONDUCT

Dentist. *See* Dentist (Professional misconduct).

PROFITS

Income tax—

Deduction in computing profits. *See* Income tax (Deduction in computing profits).
See Income tax (Profits).

PROMISSORY ESTOPPEL

See Estoppel (Promissory estoppel).

PROPERTY

Bankruptcy—

Title of trustee in bankruptcy. *See* Bankruptcy (Trustee in bankruptcy—Title of trustee).

Criminal damage. *See* Criminal law (Damage to property).

Inspection of subject-matter of cause of action. *See* Practice (Inspection of property).

Mental patient. *See* Mental health (Patient's property).

Settlement—

Capital gains tax. *See* Capital gains tax (Settlement).

Capital transfer tax. *See* Capital transfer tax.

Generally. *See* Settlement.

Transfer of property—

Capital gains tax. *See* Capital gains tax.

Capital transfer tax. *See* Capital transfer tax.

PROTECTION OF ANIMALS

See Animal (Protection).

PROTECTIVE AWARD

Redundancy—

Failure to consult appropriate trade union. *See* Redundancy (Employer's duty to consult appropriate trade union—Failure to consult union—Protective award against employer).

PROVISION

Family provision. *See* Family provision.

PUBLIC INQUIRY

Natural justice. *See* Natural justice (Public inquiry).

PUBLIC INTEREST

Discovery of documents—

Privilege. *See* Discovery (Privilege—Production contrary to public interest).

PUBLIC RIGHT

Highway—

Protection of rights of public to use and enjoy highway. *See* Highway (Protection of public rights).

PUBLICATION

Contempt of court—

Publications concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).Obscene. *See* **Criminal law** (Obscene publications).**PUBLISHER**Contempt of court. *See* **Contempt of court** (Publications concerning legal proceedings).**QUARANTINE**

Animal—

Importation of animal. *See* **Animal** (Importation of animal—Quarantine).**RACE RELATIONS**

Discrimination—

Discrimination by victimisation. *See* **Discrimination—Victimisation, post.**

Victimisation—

Circumstances relevant for purposes of legislation—Treatment of person victimised less favourably than others—Job centre clerk employed to interview prospective employers and employees—Clerk required to treat information received as confidential—Clerk reporting prospective employers for alleged racial discrimination—Clerk moved to less interesting job—Clerk bringing complaint against his employers alleging victimisation—Whether clerk victimised in 'circumstances relevant for the purposes' of legislation—Whether clerk victimised because he gave information 'in connection with proceedings' against an employer practising racial discrimination or because his reports were something done 'under or by reference to' legislation—Race Relations Act 1976, s 2(1). **Kirby v Manpower Services Commission** [1980] 3 334, EAT.

Investigation of complaint—

Commission for Racial Equality—

Duty to act fairly—Requirements of fairness—Parties entitled to fair hearing—Evidence of discrimination contained in report submitted by commission's officers—Witnesses not present before commission when person accused of discrimination given opportunity to make oral representations—No opportunity for accused person to cross-examine witnesses—Whether accused person entitled to cross-examine witnesses—Whether denial of opportunity to cross-examine witnesses a breach of natural justice. **R v Commission for Racial Equality, ex parte Cottrell & Rothon (a firm)** [1980] 3 265, QBD.

Evidence—Hearsay. *See* **Evidence** (Hearsay—Race relations cases—Hearing before Commission for Racial Equality).

RATES

Agricultural buildings—

Exemption from rates. *See* **Exemption—Agricultural buildings, post.**

Exemption—

Agricultural buildings—

Buildings used for the keeping and breeding of livestock—Livestock—Fish bred and kept in tanks for sale as food—Whether fish raised for food constituting livestock—General Rate Act 1967, s 26—Rating Act 1971, ss 1(3), 2(1)(a). **Creswell (Valuation officer) v BOC Ltd** [1980] 3 443, CA.

Local valuation court—

Appeal—

Jurisdiction—Direction giving effect to contention of appellant—Contention of appellant—Valuation officer and ratepayer agreeing figure lower than proposal figure—Rating authority not a party to agreement—Valuation court finding agreed figure correct and directing alteration of valuation list accordingly—Rating authority appealing to Lands Tribunal—Whether tribunal having jurisdiction to make higher assessment than that determined by valuation court—Whether 'the contention of the appellant' is the proposal figure or is limited to the agreed or a lower figure—General Rate Act 1967, s 76(5). **Ellesmere Port and Neston Borough Council v Shell UK Ltd** [1980] 1 383, CA.

Parties entitled to be heard—Rating authority—Valuation officer and ratepayer reaching agreement on figures—Rating authority not party to agreement—Rating officer and ratepayer putting forward agreed figures before valuation court and calling no other evidence—Rating authority wishing to contest agreed figures—Whether rating authority entitled to be heard on agreed figures—General Rate Act 1967, s 76(4). **Ellesmere Port and Neston Borough Council v Shell UK Ltd** [1980] 1 383, CA.

Surcharge on unused commercial building—

Exemption from surcharge—

Hereditaments constructed as factories, mills or other premises of a similar character for use wholly or mainly for industrial purposes—Surcharge imposed in respect of a garage—Garage registered as factory under Factories Act 1961—Maintenance and repair work carried out at garage—Whether garage exempt from surcharge—General Rate Act 1967, s 17A (as inserted by the Local Government Act 1974, s 16)—Rating Surcharge (Exemption) Regulations 1974 (SI 1974 No 1563), reg 3. **Post Office v Oxford City Council** [1980] 2 439, CA.

Unpaid surcharge constituting charge on land comprised in hereditament—

Scope of charge—When charge imposed land subject to legal mortgage and owner's interest consisting merely of equity of redemption—Mortgagee exercising power of sale under mortgage and selling land to defendant—Whether defendant liable for surcharge—Whether charge for unpaid surcharge having priority over defendant's interest in land—Whether 'charge on the land' imposing charge on all existing interests at time charge created—Whether charge including mortgagee's interest—Whether charge imposed only on owner's interest at that date consisting of equity of redemption—General Rate Act 1967, ss 17A(1), 17B(3). **Westminster City Council v Haymarket Publishing Ltd** [1980] 1 289, ChD.

RATES (cont)

Unused commercial building—

Surcharge. *See* Surcharge on unused commercial building, *ante*.

RECEIVER

Charity. *See* Charity (Receiver and manager).

Company—

Generally. *See* Company (Receiver).

Equitable execution. *See* Execution (Equitable execution—Receiver).

RECEIVING ORDER

See Bankruptcy (Receiving order).

RECKLESS DRIVING

See Road traffic (Reckless driving).

RECOGNITION

Trade union—

See Trade union (Recognition).

REDUNDANCY

Employer's duty to consult appropriate trade union—

Failure to consult union—

Protective award against employer—Jurisdiction—Purpose of award—Factors to be considered in deciding to make award—Employees continuing in employment with purchasers of business—No hardship or loss of remuneration—Whether jurisdiction to make protective award—Whether purpose of award to compensate for lost remuneration or to punish employer for failing to consult union—Whether payments under contract of employment made by another employer during protected period discharging defaulting employer's liability under protective award—Employment Protection Act 1975, ss 101(3) (4), 102(3). *Spillers-French (Holdings) Ltd v Union of Shop, Distributive and Allied Workers* [1980] 1 231, EAT.

Protective award—

Failure to consult appropriate trade union. *See* Employer's duty to consult appropriate trade union—Failure to consult union—Protective award against employer, *ante*.

REGISTERED LAND

Generally. *See* Land registration.

REGISTRATION

Charge—

Charge created by company. *See* Company (Charge—Registration).

Financial provision orders—

Divorce. *See* Divorce (Financial provision—Registration of orders).

Land—

Generally. *See* Land registration.

RELIGION

Charitable purpose. *See* Charity (Religion).

RENT RESTRICTION

Agricultural worker—

Agriculture—

Livestock keeping—Animals kept for production of food—Keeping and rearing of pheasants for sport—Gamekeeper occupying cottage on agricultural holding—Gamekeeper employed to keep and rear pheasants for sport—Majority of birds killed sold to butchers and game dealers—Whether pheasants 'livestock'—Whether gamekeeper keeping and breeding livestock—Whether gamekeeper employed in 'agriculture'—Rent (Agriculture) Act 1976, s 1. *Earl of Normanton v Giles* [1980] 1 106, HL.

Alternative accommodation—

Suitable to needs of tenant as regards extent and character—

Character—Cultural interests and proximity of friends—Tenant living in London offered alternative accommodation in Luton—New accommodation suitable in all respects but removed from tenant's friends, mosque and cultural centre—Whether cultural interests and proximity of friends relevant to suitability to needs of tenant as regards 'character'—Rent Act 1977, s 98(1), Sch 15, Part IV, para 5(1)(b). *Shiddiqui v Rashid* [1980] 3 184, CA.

Death of tenant—

Claim by friend to remain in possession—

Defendant cohabiting with widow in widow's flat for 19 years—Both defendant and widow retaining own names—Defendant remaining married to wife but refusing reconciliation—Defendant remaining in flat after widow's death—Whether defendant entitled to succeed widow as statutory tenant—Whether defendant 'a member of the original tenant's family'—Rent Act 1977, Sch 1, para 3. *Watson v Lucas* [1980] 3 647, CA.

Long tenancy at low rent—

Separate dwelling—

Tenant having purchased remainder of long lease—Premises consisting of penthouse comprising maisonette with self-contained flat attached—Premises originally used as family home—Tenant subletting maisonette for last part of term of long lease—Sublease expiring day before expiry of long lease—Subtenant refusing to give up occupation of maisonette on expiry of sublease or long lease—Tenant in occupation of flat on expiry of long lease—Whether tenant entitled to protection under Rent Acts for whole of the penthouse—Whether penthouse let as one separate dwelling—Landlord and Tenant Act 1954, ss 1, 2(1), 3(2), 22(3). *Regalian Securities Ltd v Ramsden* [1980] 2 497, CA.

RENT RESTRICTION (cont)

Possession—

Premises originally let by resident landlord—

Notice to quit given during transitional period following death of resident landlord—No resident landlord moved in during transitional period. *See* Statutory tenant—Death of resident landlord—Transitional period, *post*.

Statutory tenant—

Death of resident landlord—

Transitional period—Rooms let to tenant by resident landlord—Death of landlord—Notice to quit given to tenant by landlord's personal representatives—Notice to quit expiring during transitional period—No resident landlord moved into rooms by personal representatives during transitional period—Tenant still in occupation at expiry of transitional period—Whether tenant became a statutory tenant at end of transitional period—Rent Act 1977, s 12(1), Sch 2, paras 1,3. *Landau v Sloane* [1980] 2 539, CA.**REPAIR**

Building—

Assessment of damages. *See* **Damages** (Assessment—Date at which damages assessed—Repairs to building).Measure of damages. *See* **Damages** (Measure of damages—Repairs to building).

Income tax—

Capital or revenue expenditure. *See* **Income tax** (Deduction in computing profits—Capital or revenue expenditure—Repairs).

Ship—

Lien for repairs to ship—

Priority. *See* **Shipping** (Maritime lien—Liens recognised by English law—Lien for repairs to ship).**REPOSITORY**

Use of land—

Town and country planning. *See* **Town and country planning** (Development—Use classes—Repository).**REPRESENTATIVE ACTION**Minority shareholder. *See* **Company** (Minority shareholder—Representative action).**REPUDIATION**

Contract—

Sale of land. *See* **Sale of land** (Repudiation of contract).**RESCISSION**Receiving order. *See* **Bankruptcy** (Receiving order—Rescission).**RESOLUTION**Company. *See* **Company** (Resolution).**RESTRICTIVE COVENANT**

Land—

Covenant affecting land. *See* **Restrictive covenant affecting land**.**RESTRICTIVE COVENANT AFFECTING LAND**

Annexation of benefit—

Annexation by statute—

Covenant relating to or touching and concerning covenantee's land—Sufficient description of covenantee's land for purpose of annexation—Conveyance containing covenant not expressly or impliedly annexing benefit of covenant—Whether benefit of covenant annexed and running with covenantee's land under statute—Whether covenant annexed to land enuring only for benefit of land as a whole or for benefit of every part of it—Law of Property Act 1925, s 78(1). *Federated Homes Ltd v Mill Lodge Properties Ltd* [1980] 1 371, CA.**RETAINING LIEN**Solicitor. *See* **Solicitor** (Lien—Retaining lien).**REVENUE**

Income tax—

Generally. *See* **Income tax**.Value added tax. *See* **Value added tax**.**ROAD ACCIDENT**

Negligence—

Defence—

Sudden event or affliction. *See* **Negligence** (Defence—Sudden event or affliction—Malfunction of mind—Road accident).**ROAD TRAFFIC**

Accident—

Breath test—

Accident owing to presence of motor vehicle on the road. *See* **Breath test**—Accident owing to presence of motor vehicle on road, *post*.

ROAD TRAFFIC (cont)

Breath test—

Accident owing to presence of motor vehicle on road—

Arrest—Arrest for failure to provide specimen of breath—Validity—Constable a trespasser at time of request for specimen of breath—Statutory conditions precedent for request of specimen complied with—Whether evidence of events subsequent to time when constable became a trespasser admissible in proceedings for failure to provide specimen—Road Traffic Act 1972, s 8(2)(5). *Morris v Beardmore* [1980] 2 753, HL.

Causing death by reckless driving. *See* Reckless driving—Causing death by reckless driving, *post*.

Driving—

Driving while disqualified for holding licence. *See* Driving while disqualified for holding licence, *post*.

Reckless driving. *See* Reckless driving, *post*.

Driving while disqualified for holding licence—

Driving—

Meaning—Using driver's controls for purpose of directing movement of car—Accused sitting in driver's seat of car and controlling it while it was being towed—Whether accused 'driving' towed car—Road Traffic Act 1972, s 99(b). *McQuaid v Anderton* [1980] 3 540, QBD.

Motor vehicle—

Collision—

Negligence—Contributory negligence. *See* Negligence (Contributory negligence—Collision of vehicles on road).

Reckless driving—

Causing death by reckless driving—

Reckless—Mens rea—Mens rea lying in accused's mental attitude to obligation to drive with due care and attention—Whether prosecution required to prove accused foresaw the risk of an accident and deliberately decided to take that risk—Road Traffic Act 1972, ss 1, 2 (as substituted by the Criminal Law Act 1977, s 50). *R v Murphy (William)* [1980] 2 325, CA.

RULE IN ANDREWS v PARTINGTON

Settlement—

Class gift—

Distribution date. *See* Settlement (Class gift—Distribution date).

RYLANDS v FLETCHER

Principle of. *See* Nuisance (Escape in consequence of non-natural use of land).

SAFETY

Working places—

Building. *See* Building (Working places).

SALE

Matrimonial home—

Sale under trust for sale. *See* Husband and wife (Matrimonial home—Sale under trust for sale).

SALE OF GOODS

C and f contract—

Bill of lading—

Payment to be made against clean bill of lading—Bill of lading stating that goods shipped in apparent good order and condition—Bill also stating that goods subsequently discharged on account of fire damage—Bill tendered to buyers—Bill rejected by buyers on ground that it was not a clean bill of lading—Whether bill 'clean'—Whether buyers entitled to reject bill. *M Golodetz & Co Inc v Czarnikow-Rionda Co Inc, The Galatia* [1980] 1 501, CA.

Conditional sale agreement—

Statutory right to terminate agreement—

Effect of clause entitling seller to elect for accelerated payment on buyer's default—Accelerated payment comprising unpaid balance of purchase price and proportion of charges calculated at date four months after date of notice to pay accelerated payment—Whether accelerated payment clause restricting buyer's right to terminate agreement 'at any time before the final payment ... falls due'—Whether accelerated payment when due the final payment due under agreement—Whether accelerated payment when due terminating agreement—Whether accelerated payment clause void—Whether liability under clause exceeded statutory liability imposed 'by reason of termination of' agreement—Whether clause a penalty or genuine pre-estimate of seller's loss on early termination of agreement—Hire-Purchase Act 1965, ss 27(1), 28(1)(b), 29(2)(b)(c). *Wadham Stringer Finance Ltd v Meaney* [1980] 3 789, QBD.

Food and drugs. *See* Food and drugs.

Implied condition as to fitness—

Defective trailer coupling supplied by garage to vehicle owner for use with trailer—

Coupling unsafe for purpose for which it was designed by manufacturer—Continued use of coupling by user after he ought to have known of defective condition—Defective coupling causing trailer to break loose from vehicle and cause damage to another vehicle resulting in death and injury to occupants—Whether continued use of defective coupling by owner in contemplation of parties at time of sale—Whether conduct of owner broke chain of causation between suppliers breach of warranty in supplying defective coupling and the accident—Liability of owner, supplier and manufacturer inter se. *Lambert v Lewis* [1980] 1 978, CA.

Transfer of title—

Conflict of laws. *See* Conflict of laws (Movables—Title to goods).

SALE OF LAND

Bankruptcy—

Sale by trustee in bankruptcy—

Title of trustee. *See* **Bankruptcy** (Trustee in bankruptcy—Title of trustee—Property—Trustee contracting to sell property).

Breach of contract—

Damages. *See* **Damages for breach of contract, post.**

Capital gains tax. *See* **Capital gains tax.**

Completion—

Notice to complete. *See* **Notice to complete, post.**

Contract—

Exchange of contracts. *See* **Exchange of contracts, post.**

Damages for breach of contract—

Damages in substitution for specific performance—

Date of assessment—Purchaser claiming specific performance of contract for sale of house—Purchaser then buying another house—Purchaser subsequently electing to claim damages in lieu of specific performance—Date at which damages should be assessed—Whether damages should be assessed at date of purchase of other house or date of election to claim damages. **Domb v Isoz** [1980] 1 942, CA.

Exchange of contracts—

Agreement subject to contract—

Parts exchanged required to be in identical terms—Purchase price of house to include fittings and fixtures—Purchase price apportioned in vendor's part of contract—Purchase price not apportioned in purchaser's part of contract—Whether contract could be rectified—Whether exchange of parts resulting in concluded contract. **Domb v Isoz** [1980] 1 942, CA.

Authority of solicitor—

Exchange by telephone—Vendor's solicitor holding vendor's and purchaser's parts of contract duly signed—Vendor's and purchaser's solicitors agreeing to exchange contracts by telephone—Whether such exchange resulting in binding contract. **Domb v Isoz** [1980] 1 942, CA.

Matrimonial home—

Sale under trust for sale. *See* **Husband and wife** (Matrimonial home—Sale under trust for sale).

Notice to complete—

Failure of vendor to complete on date fixed for completion—

Vendor completing within reasonable time after service on him of notice to complete—Effect of notice to complete on contractual date for completion—Failure of third party to complete contract resulting in defendant being in breach of contract with plaintiff—Time not essence of contract between third party and defendant—Defendant liable in damages to plaintiff—Defendant claiming indemnity from third party—Whether third party in breach where contract completed in reasonable time of date of completion if time not essence—Whether service of notice to complete depriving defendant of any remedy accruing to him on original failure of third party to complete—Whether third party liable to indemnify defendant against claim by plaintiff—Law of Property Act 1925, s 41—Law Society's Conditions of Sale (1973 Revision), condition 19. **Raineri v Miles (Wiejski and anor, third parties)** [1980] 2 145, HL.

Option to purchase land or interest therein—

Generally. *See* **Option** (Option to purchase).

Repudiation of contract—

Rescission—

Attempted rescission amounting to repudiation—Purchaser wishing to get out of contract with vendor for sale of land—Purchaser purporting to rely on term of contract to rescind—Judge holding that purchaser not entitled to rescind—Whether purchaser's erroneous attempt to rescind amounting to repudiation entitling vendor to damages. **Woodar Investment Development Ltd v Wimpey Construction UK Ltd** [1980] 1 571, HL.

Rescission of contract—

Attempted rescission amounting to repudiation. *See* **Repudiation of contract—Rescission, ante.**

Telephonic exchange of contracts. *See* **Exchange of contracts—Authority of solicitor—Exchange by telephone, ante.**

Trading transaction—

Income tax. *See* **Income tax** (Profits—Trading receipts—Land—Disposal).

Trust for sale—

Matrimonial home. *See* **Husband and wife** (Matrimonial home—Sale under trust for sale).

SALVAGE

Cargo—

Storage expenses. *See* **Shipping** (Salvage—Cargo—Storage expenses).

SCHOOL

Sport—

Charity—

Promotion and encouragement of sport—Trust to promote association football in schools and universities. *See* **Charity** (Education—Educational purposes—Sport—Promotion and encouragement of sport—Trust to promote, encourage and provide facilities for pupils of schools and universities to play association football and other games).

SEARCH

Income tax—

Suspected offence—

Warrant to enter premises and seize documents. *See* **Income tax** (Offence—Fraud—Suspected offence—Warrant to enter and seize documents).

SEARCH WARRANT

- See* **Income tax** (Offence—Suspected offence—Warrant to enter and seize documents).
- Obscene publications—
- Validity. *See* **Criminal law** (Obscene publications—Power of search and seizure—Validity of warrant).

SECURITY BILLS OF SALE

- See* **Bill of sale** (Security bills of sale).

SELF-INCRIMINATION

- Privilege against self-incrimination—
- Inspection of property. *See* **Practice** (Inspection of property—Property subject-matter of action or in respect of which question arising—Privilege against self-incrimination).

SENTENCE

- Committal for sentence—
- Crown Court. *See* **Crown Court** (Committal of offender to Crown Court for sentence).
- Criminal bankruptcy order—
- Amendment—
- Jurisdiction of Crown Court. *See* **Crown Court** (Order—Amendment—Jurisdiction—Criminal bankruptcy order in respect of several offences).
- Deportation—
- Recommendation—
- Guidelines on making order recommending deportation. **R v Nazari** [1980] 3 880, CA.
- Forfeiture order—
- Forfeiture of profits made by offender out of offence—
- Forfeiture order made under Misuse of Drugs Act 1971—Power of forfeiture exercisable where person convicted of 'offence under this Act' and extending to anything shown 'to relate to' offence—Defendants convicted of conspiracy to contravene 1971 Act—Assets including sums in bank accounts ordered to be forfeited—Whether conspiracy to contravene Act an offence under the Act—Whether forfeited assets related to offence—Whether court entitled to make forfeiture order—Misuse of Drugs Act 1971, s 27(1). **R v Cuthbertson** [1980] 2 401, HL.
- Suspended sentence—
- Fresh offence committed during period of suspension—
- Court dealing with fresh offence making no order regarding suspended sentence—Whether subsequent court has power to activate suspended sentence for same breach—Powers of Criminal Courts Act 1973, s 23(1) (d). **R v Folan** [1980] 1 217, CA.
- Variation of sentence—
- Criminal bankruptcy order. *See* **Crown Court** (Order—Amendment—Jurisdiction—Criminal bankruptcy order in respect of several offences).

SERVICE CHARGE

- Flat. *See* **Landlord and tenant** (Service charge).

SERVICE

- Writ—
- Service out of the jurisdiction. *See* **Practice** (Service out of the jurisdiction).

SET-OFF

- Breach of trust. *See* **Trust and trustee** (Breach of trust—Set-off).

SETTLEMENT

- Capital gains tax. *See* **Capital gains tax** (Settlement).
- Capital transfer tax—
- Distribution of settled property—
- Excluded property. *See* **Capital transfer tax** (Exemptions and reliefs—Excluded property).
- Generally. *See* **Capital transfer tax** (Settlement).
- Class gift—
- Distribution date—
- Compound gift—Trust for children of settlor's son who before expiration of 21 years from death of survivor of settlor or son attain age of 25 and other children of son living at expiration of that period—Whether class closing on eldest child attaining age of 25—Whether gift to compound class—Whether fact that class closing rule could not apply to one part of compound class precluding it from operating on other part—Whether fact that application of rule would reduce scope of one limb of gift to improbable but not impossible circumstances sufficient to exclude application of rule. **Re Clifford's Settlement Trusts** [1980] 1 1013, ChD.
- Income tax—
- Generally. *See* **Income tax** (Settlement).

SEX DISCRIMINATION

- Employment—
- Discrimination against a woman. *See* **Employment** (Discrimination against a woman).
- Immigration—
- Removal of Commonwealth immigrant married to woman student—
- Wife of male student entitled to remain while husband a student. *See* **Commonwealth immigrant** (Admission—Refusal of admission—Removal of immigrant—Sex discrimination—Removal of immigrant married to woman student having permission to stay in United Kingdom for limited period).

SHAREHOLDER

- Minority shareholder—
- Company. *See* **Company** (Minority shareholder).

SHARES

- Company, in—
- Generally. *See* **Company (Shares)**.

SHIPPING

- Bill of lading—
 - C and f contract. *See* **Sale of goods (C and f contract—Bill of lading)**.
 - Limitation of liability—
 - Rights of stranger to contract—Bill of lading extending benefit of defences and liabilities conferred thereby to independent contractors employed by carrier—Bill of lading also providing that carrier's responsibility terminating as soon as goods left ship's tackle—Goods discharged and stored by stevedore employed by carrier—Goods stolen from stevedore's store—Whether stevedore entitled to benefit of contractual provisions of bill of lading. **Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd, The New York Star** [1980] 3 257, PC.
 - Time for bringing claims—
 - Suit barred unless brought within one year after delivery of goods—Fundamental breach of contract—Loss or misdelivery of consignee's goods—Effect on time bar clause—Whether fundamental breach depriving party in breach of benefit of time bar clause—Water Carriage of Goods Act 1936 (Canada), Sch (Hague Rules), art III, r 6. **Port Jackson Stevedoring Pty Ltd v Salmond & Spraggon (Australia) Pty Ltd, The New York Star** [1980] 3 257, ChD.
- Cargo—
 - Salvage. *See* **Salvage—Cargo, post**.
- Charterparty—
 - Consecutive voyage charterparty—
 - Frustration. *See* **Charterparty—Frustration—Delay—Consecutive voyage charterparty, post**.
 - Frustration—
 - Delay—Consecutive voyage charterparty—Shipowners chartering vessel to charterers for six or at the charterers' option seven consecutive voyages in 1979 season—Strike starting after completion of one voyage—Only two more voyages likely to be possible before end of 1979 season—Agreement by shipowners to charter vessel to charterers for seven voyages in 1980 season—Whether charterparty frustrated in whole or only in part. **Pioneer Shipping Ltd v BTP Tioxide Ltd, The Nema** [1980] 3 117, CA.
- Maritime lien—
 - Liens recognised by English law—
 - Lien for repairs to ship—Lien given by United States law—Lien not recognised as maritime lien by English or Singapore law—Priority—Mortgage having priority under law of Singapore over claim of repairer in distribution of proceeds of sale of ship—Claimant with maritime lien under Singapore law having priority over mortgage—Ranking of claims. **Bankers Trust International Ltd v Todd Shipyard Corpn, The Halcyon Isle** [1980] 3 197, PC.
- Salvage—
 - Cargo—
 - Storage expenses—Agreement—Vessel stranding—Master signing Lloyd's standard salvage agreement on behalf of shipowner and cargo owner—Arrangements made by salvors for storage of cargo ashore—Voyage abandoned by shipowner—No necessity or emergency requiring salvors to store cargo in order to preserve it—Whether shipowner or cargo owner liable for storage expenses ashore. **China-Pacific SA v Food Corpn of India, The Winson** [1980] 3 556, CA.

SILVER ALLOY COINS

- Freedom of movement—
 - European Economic Community. *See* **European Economic Community (Freedom of movement—Goods—Coins—Silver alloy coins and gold coins)**.

SILVER COINS

- Treasure trove. *See* **Treasure trove (Crown's rights to treasure trove—Coins—Silver coins)**.

SLIP RULE

- Judgment—
 - Amending. *See* **Judgment (Order—Correction—Accidental slip or omission)**.

SOCIAL SECURITY

- National insurance. *See* **National insurance**.
- Supplementary benefit. *See* **Supplementary benefit**.

SOLICITOR

- Authority—
 - Sale of land—
 - Exchange of contracts. *See* **Sale of land (Exchange of contracts—Authority of solicitor)**.
- Change of solicitor—
 - Effect on solicitor's retaining lien on documents. *See* **Lien—Retaining lien—Solicitor discharging himself in course of action, post**.
- Costs—
 - Taxation—
 - Legal aid. *See* **Legal aid (Taxation of costs—Solicitor's fees and expenses)**.
- Fees and expenses—
 - Legal aid taxation. *See* **Legal aid (Taxation of costs—Solicitor's fees and expenses)**.
- Indemnity insurance. *See* **Insurance (Liability insurance—Professional indemnity insurance—Solicitor)**.

SOLICITOR (cont)

Liability—

Constructive trustee—

Misappropriation of trust money—Liability of solicitor's partner for misappropriation—Money paid into firm's client account in name of express trustees—Money misappropriated by express trustees with solicitor's knowledge—Partner not having actual knowledge of misappropriation and acting throughout honestly and reasonably in regard to firm's affairs but having access to documents inspection of which might have revealed breach of trust—Solicitor liable to replace money as constructive trustee—Whether partner also liable as constructive trustee or under implied terms of partnership. *Re Bell's Indenture, Bell v Hickley* [1980] 3 425, ChD.

Liability insurance—

Professional indemnity insurance. *See Insurance* (Liability insurance—Professional indemnity insurance—Solicitor).

Lien—

Retaining lien—

Solicitor discharging himself in course of action—Non-payment of costs—Client instructing new solicitor—Client applying for order that papers in action be handed over to new solicitor—Whether solicitor who discharges himself required to hand over papers to new solicitor against undertaking to preserve his lien on the papers—Whether solicitor entitled to retain papers until court determines whether he had good cause to withdraw from action—Whether solicitor retaining client's solicitor until order made declaring that he has ceased to be client's solicitor—RSC Ord 67, r 6(1). *Gamlen Chemical Co (UK) Ltd v Rochem Ltd* [1980] 1 1049, CA.

Partnership—

Liability of solicitor for acts of his partners—

Misappropriation of trust money. *See Liability*—Constructive trustee—Misappropriation of trust money—Liability of solicitor's partner for misappropriation, *ante*.

Professional indemnity insurance. *See Insurance* (Liability insurance—Professional indemnity insurance—Solicitor).

Retaining lien. *See Lien*—Retaining lien, *ante*.

Sale of land—

Exchange of contracts—

Authority of solicitor. *See Sale of land* (Exchange of contracts—Authority of solicitor).

SOUTHERN RHODESIA

Probate—

Reopening of grants made in Southern Rhodesia. *See Probate* (Grant—Reopening—Grants made in Southern Rhodesia).

SPECIAL RESOLUTION

Company. *See Company* (Resolution—Special resolution).

SPECIAL VOUCHER SCHEME

Commonwealth immigration—

Appeal against refusal to issue special voucher. *See Commonwealth immigrant* (Appeal—Special voucher scheme).

SPECIFIC PERFORMANCE

Damages in substitution for specific performance—

Sale of land. *See Sale of land* (Damages for breach of contract—Damages in substitution for specific performance).

Defence to action—

Licence—

Contract to let hall to political party—Wrongful repudiation of contract—Political party claiming specific performance of contract—Defence that licence to use hall was of short duration—Defence that repudiation occurred before licensee entered into possession—Defence that public disorder might result if contract performed—Whether specific performance could and should be ordered. *Verrall v Great Yarmouth Borough Council* [1980] 1 839, CA.

Sale of land—

Damages in substitution for specific performance. *See Sale of land* (Damages for breach of contract—Damages in substitution for specific performance).

SPORT

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Educational purposes. *See Charity* (Education—Educational purposes—Sport).

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Construction—

Convention given effect by legislation—

References to travaux préparatoires—Text of convention incorporated in statute—Circumstances in which reference to travaux préparatoires permissible—Plain meaning of text of convention—Minutes of negotiations preceding convention showing that text to be understood in sense other than plain meaning—Whether resort to minutes permissible to override plain meaning of text—Carriage by Air Act 1961, Sch 1, art 26(2). *Fothergill v Monarch Airlines Ltd* [1980] 2 696, HL.

Statutory instrument—

Use of rules made by Lord Chancellor for interpretation of section of statute. *Jackson v Hall* [1980] 1 177, HL.

Ouster of jurisdiction by statute—

Certiorari. *See Certiorari* (Jurisdiction—Exclusion by statute).

Exclusion of right of appeal to Court of Appeal. *See Court of Appeal* (Appeal—Right of appeal—Exclusion of right of appeal).

STATUTORY DUTY

- Breach—
 - Personal injury—
 - Damages. *See* **Damages** (Personal injury).

STATUTORY INSTRUMENT

- Aid to construction of statute. *See* **Statute** (Construction—Statutory instrument).

STATUTORY TENANCY

- Creation—
 - Death of resident landlord. *See* **Rent restriction** (Statutory tenant—Death of resident landlord).

STAY OF PROCEEDINGS

- Company—
 - Winding-up—
 - Stay of pending proceedings. *See* **Company** (Winding-up—Stay of pending proceedings).
- Generally. *See* **Practice** (Stay of proceedings).

STOLEN GOODS

- Value added tax—
 - Supply of goods—
 - Sale of stolen goods. *See* **Value added tax** (Supply of goods or services—Supply—Second-hand car dealer selling stolen cars at public auction).

STORAGE

- Expenses—
 - Salvaged cargo. *See* **Shipping** (Salvage—Cargo—Storage expenses).

STRIKING OFF

- Register—
 - Dentist. *See* **Dentist** (Professional misconduct).

STUDENT

- Immigration—
 - Leave to enter. *See* **Immigration** (Leave to enter—Non-patrial—Student).

SUDDEN EVENT

- Negligence—
 - Defence. *See* **Negligence** (Defence—Sudden event or affliction).

SUMMARY PROCEEDINGS

- Husband and wife. *See* **Husband and wife** (Summary proceedings).
- Possession of land. *See* **Land** (Summary proceedings for possession).

SUMMARY TRIAL

- Generally. *See* **Magistrates** (Summary trial).

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- Adjournment to judge—
 - Originating summons—
 - Chambers proceedings. *See* **Practice** (Chambers proceedings—Adjournment to judge—Originating summons).

SUPERVISION

- Access to minor. *See* **Minor** (Custody—Access—Supervised access).

SUPPLEMENTARY BENEFIT

- Entitlement—
 - Aggregation of requirements and resources—
 - Person having to provide for requirements of another person—Meaning of 'requirements'—
 - Other person child under age of 16—Mother providing for child—Mother receiving money for support of child from father under court order—Amount payable exceeding normal requirements of child—Whether mother having to provide for 'requirements'—Whether child's resources to be aggregated with mother's for the purpose of determining her entitlement to supplementary benefit—Supplementary Benefits Act 1976, s 1, Sch 1, para 3(2). **Supplementary Benefits Commission v Jull**, **Supplementary Benefits Commission v Y** [1980] 3 65, HL.
 - Exclusion of right to benefit—
 - Full-time remunerative work—Remunerative work—Claimant running business from home at a loss and claiming benefit—Whether 'remunerative work' meaning profitable work or merely paid work—Whether claimant entitled to benefit—Supplementary Benefits Act 1976, s 6. **Perrot v Supplementary Benefits Commission** [1980] 3 110, CA.

SUPPLY

- Value added tax—
 - Supply of goods or services. *See* **Value added tax** (Supply of goods or services).

SURCHARGE

- Rates—
 - Unused commercial building. *See* **Rates** (Surcharge on unused commercial building).

SUSPENDED SENTENCE

- See* **Sentence** (Suspended sentence).

TAX

- Capital gains tax. *See* **Capital gains tax**.
- Capital transfer tax. *See* **Capital transfer tax**.

TAX (cont)

- Company—
 - Winding-up—
 - Preferential payment. *See* **Company** (Winding-up—Preferential payments—Taxes).
- Corporation tax—
 - Company—
 - Compulsory winding-up. *See* **Company** (Compulsory winding-up—Corporation tax).
- Income tax. *See* **Income tax**.
- Value added tax. *See* **Value added tax**.

TAXATION

- Costs—
 - Legal aid proceedings. *See* **Legal aid** (Taxation of costs).

TELEPHONE

- Sale of land—
 - Exchange of contracts by telephone. *See* **Sale of land** (Exchange of contracts—Authority of solicitor—Exchange by telephone).

TENANCY

- Agricultural holding. *See* **Agricultural holding**.
- Business premises—
 - Generally. *See* **Landlord and tenant** (Business premises).
- Long tenancy at low rent—
 - Protection. *See* **Rent restriction** (Long tenancy at low rent).
- Rent restriction. *See* **Rent restriction**.

TIME

- Bill of lading—
 - Time for bringing claims. *See* **Shipping** (Bill of lading—Time for bringing claims).
- Computation—
 - Duration of specified period—
 - Four months—Business premises—Application for new tenancy. *See* **Landlord and tenant** (Business premises—Application for new tenancy—Time—Computation of time).
- Extension of time—
 - Arbitration—
 - Commencement. *See* **Arbitration** (Commencement).
 - Family provision application. *See* **Family provision** (Time for application—Extension).
 - Non-compliance with order striking out claim or defence unless act done within specified time—
 - Application to extend time—Whether jurisdiction to extend time where failure to comply with 'unless' order—RSC Ord 3, r 5(1). *Samuels v Linzi Dresses Ltd* [1980] 1 803, CA.
- Landlord and tenant—
 - Business premises—
 - Application for new tenancy. *See* **Landlord and tenant** (Business premises—Application for new tenancy—Time).
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 - Case stated—
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TITLE

- Trustee in bankruptcy. *See* **Bankruptcy** (Trustee in bankruptcy—Title of trustee).

TORT

- Actions founded on—
 - Service out of the jurisdiction. *See* **Practice** (Service out of the jurisdiction—Action founded on tort committed within jurisdiction).
- Conversion—
 - Wrongful interference with goods. *See* **Wrongful interference with goods—Conversion, post**.
- Fraud—
 - Defence of illegality—
 - Unwitting contravention of statute by plaintiff—Exchange control legislation—Payment made by plaintiff to defendant in consequence of defendant's fraud—Contract for sale to plaintiff of house outside scheduled territories—Defendant having no title or authority to sell house—Plaintiff's payment made without necessary Treasury permission—Plaintiff ignorant of exchange control legislation and unaware that payment illegal—Action by plaintiff for damages for fraud—Whether defendant entitled to raise defence of illegality. *Shelley v Paddock* [1980] 1 1009, CA.
- Wrongful interference with goods—
 - Conversion—
 - Denial of rights of ownership—Denial for indefinite period—Plaintiffs goods lying in defendant's depot—Defendant refusing to deliver goods to plaintiff or to allow plaintiff to enter depot to collect them himself—Defendant's refusal arising out of fears of industrial disruption affecting his business—Whether defendant's refusal amounting to conversion—Tort (Interference with Goods) Act 1977, s 1. *Howard E Perry & Co Ltd v British Railways Board* [1980] 2 578, ChD.

TORT (cont)

Wrongful interference with goods (cont)—

Interlocutory relief—

Delivery up of goods—Exercise of court's powers—Discretion—Whether interlocutory relief only available in cases where goods in real and imminent danger of loss or destruction—Whether damages adequate remedy where goods' equivalent obtainable on market only with great difficulty—Whether defendant's fear of threats of unpleasant consequences if he complied with order a reason for refusing to make order—Torts (Interference with Goods) Act 1977, s 4(2)—RSC Ord 29, r 2A. **Howard E Perry & Co Ltd v British Railways Board** [1980] 2 578, ChD.

TOWN AND COUNTRY PLANNING

Appeal to Minister against refusal of permission for development—

Local inquiry—

Adjournment—Application for adjournment to allow applicant to prepare case and instruct counsel—Secretary of State refusing adjournment—Whether judge having jurisdiction to quash Secretary of State's decision—Whether Secretary of State's decision a 'decision ... on an appeal'—Town and Country Planning Act 1971, ss 36, 242(3)(b). **Co-operative Retail Services Ltd v Secretary of State for the Environment** [1980] 1 449, CA.

Change of use—

Condition attached to permission for change of use—

Permission for temporary change of use of existing building—Condition attached that building be removed at the end of period of permission—Whether condition valid—Town and Country Planning Act 1971, s 29(1). **Newbury District Council v Secretary of State for the Environment** [1980] 1 731, HL.

Classes of use. *See* Development—Classes of use, *post*.

Development—

Permission—

Generally. *See* Permission for development, *post*.

Use classes—

Repository—Use of building to store civil defence vehicles and synthetic rubber—Whether used as a 'repository'—Town and Country Planning (Use Classes) Order 1972 (SI 1972 No 1385), Sch, Class X. **Newbury District Council v Secretary of State for the Environment** [1980] 1 731, HL.

Permission for development—

Condition—

Change of use—Condition attached to permission for change of use. *See* Change of use—Condition attached to permission for change of use, *ante*.

Refusal—

Appeal. *See* Appeal to Minister against refusal of permission for development, *ante*.

Stopping up or diversion of highway—

Power to authorise diversion—Development obstructing footpath completed or partly completed before diversion authorised—Whether power to authorise diversion where development already completed or partly completed—Whether authority to divert highway then 'is necessary ... to enable development to be carried out'—Town and Country Planning Act 1971, s 209(1). **Ashby v Secretary of State for the Environment** [1980] 1 508, CA.

Trees—

Preservation order—

Prohibition of wilful destruction of trees—Offence—Mens rea—Whether knowledge of preservation order a necessary ingredient of offence—Town and Country Planning Act 1971, s 102(1). **Maidstone Borough Council v Mortimer** [1980] 3 552, QBD.

Use classes. *See* Development—Use classes, *ante*.

Use of land—

Change of use—

Condition attached to permission for change of use. *See* Change of use—Condition attached to permission for change of use, *ante*.

TRACING

Banker's books—

Power to make interlocutory order for disclosure of banker's books to show amount standing in defendant's account. *See* Money (Following money)—Plaintiff seeking to trace money paid under mistake of fact induced by fraud—Power to make interlocutory order

Money—

Money paid under mistake of fact. *See* Mistake (Mistake of fact—Money paid under mistake of fact—Equitable right to trace money paid under mistake of fact).

TRADE

Receipts—

Income tax. *See* Income tax (Profits—Trading receipts).**TRADE DISPUTE**

Acts done in contemplation or furtherance of trade dispute—

In contemplation or furtherance of—

Claim by party that he has acted in furtherance of trade dispute—Union in dispute with British Steel Corporation deciding to extend strike action to private steel sector—Union hoping that private steel companies would put pressure on government to allow British Steel to increase pay offer—Extension of strike not having immediate adverse trade or industrial effect on British Steel—Union honestly and sincerely believing that extension of strike to private sector would advance their cause in their dispute with British Steel—Whether union officers acting 'in ... furtherance of trade dispute'—Trade Union and Labour Relations Act 1974, s 13(1)(as substituted by the Trade Union and Labour Relations (Amendment) Act 1976, s 3(2)). **Duport Steels Ltd v Sirs** [1980] 1 529, HL.

TRADE DISPUTE (cont)

Acts done in contemplation or furtherance of trade dispute (cont)—

In contemplation or furtherance of (cont)—

Secondary action in furtherance of dispute—Claim by party that he had acted in furtherance of trade dispute—Employees of national newspaper company instructed by their union to black copy from Press Association—Union genuinely believing that blacking of copy would advance cause of provincial members involved in pay dispute with provincial newspaper proprietors—Whether union officers acting 'in...furtherance of' trade dispute—Trade Union and Labour Relations Act 1974, s 13(1) (as substituted by the Trade Union and Labour Relations (Amendment) Act 1976, s 3(2)). *Express Newspapers Ltd v MacShane* [1980] 1 65, HL.

Injunction—

Interlocutory. *See* Injunction (Interlocutory—Trade dispute).

TRADE MARK

Motions in respect of trade marks—

Practice—

Chancery Division. *Practice Direction*. [1980] 2 750, ChD.

TRADE UNION

Legal proceedings—

Right of union to sue—

Defamatory statements relating to reputation of trade union—Trade union not a body corporate because not a special register body—Trade union which not a special register body suing in its own name for damages for libel—Whether union able to sue in its own name for damages for defamation in relation to its reputation as a legal entity—Whether union able to bring action for damages for defamation in its own name on behalf of all the members of the union—Trade Union and Labour Relations Act 1974, s 2(1). *Electrical Electronic Telecommunication and Plumbing Union v Times Newspapers Ltd* [1980] 1 1097, QBD.

Defamatory statements relating to reputation of trade union—Trade union which not a special register body not a body corporate—Trade union which not a special register body suing in its own name for damages for libel—Whether union able to sue in its own name for damages for defamation in relation to its reputation as a legal entity—Whether union able to bring action for damages for defamation in its own name on behalf of all members of union—Trade Union and Labour Relations Act 1974, s 2(1). *Electrical Electronic Telecommunication and Plumbing Union v Times Newspapers Ltd* [1980] 1 1097, QBD.

Recognition—

Reference of recognition issue to Advisory, Conciliation and Arbitration Service—

Duty of Service to ascertain opinion of workers to whom issue relates—Whether Service has a discretion to defer making enquiries—Employment Protection Act 1975, ss 12, 14. *Engineers' and Managers' Association v Advisory, Conciliation and Arbitration Service (No 2)* [1980] 1 878, HL.

Duty of Service to improve industrial relations and encourage extension of collective bargaining—Duty of Service to prepare report setting out findings and recommendations—Scope of duties—Recognition sought by small union—Opposition by larger employees' unions and by employers' federation—Report by Service recommending non-recognition—Whether Service performing statutory duties properly in making report—Employment Protection Act 1975, ss 1(2), 12(4). *United Kingdom Association of Professional Engineers v Advisory, Conciliation and Arbitration Service* [1980] 1 612, HL.

Redundancy—

Employer's duty to consult appropriate trade union. *See* Redundancy (Employer's duty to consult appropriate trade union).

Trade dispute—

Generally. *See* Trade dispute.

TRANSACTION IN SECURITIES

Tax advantage. *See* Income tax (Tax advantage—Counteracting—Transaction in securities).

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Assets—

Injunction to restrain transfer out of jurisdiction. *See* Injunction (Interlocutory—Danger that defendant may transfer assets out of jurisdiction).

Bankruptcy proceedings—

Transfer of proceedings from High Court to county court after receiving order made—

Jurisdiction of county court to rescind receiving order. *See* Bankruptcy (Receiving order—Rescission—Jurisdiction of court—Transfer of proceedings from High Court to county court after receiving order made in High Court).

Capital—

Tax. *See* Capital transfer tax.

TRANSIT OF ANIMALS

See Animals (Carriage by sea, air, road or rail).

TRAVAUX PRÉPARATOIRES

Statute—

Construction—

International convention given effect by legislation—Reference to travaux préparatoires. *See* Statute (Construction—Convention given effect by legislation—Reference to travaux préparatoires).

TREASURE TROVE

Crown's right to treasure trove—

Coins—

Silver coins—Whether Crown's right to treasure trove limited to articles of gold and silver. *Attorney General of the Duchy of Lancaster v G E Overton (Farms) Ltd* [1980] 3 503, ChD.

TREE

Preservation order. *See* Town and country planning (Trees—Preservation order).

TRESPASS

Trespass to the person. *See* Trespass to the person.

TRESPASS TO THE PERSON

Assault—

Defence—

Use of force in prevention of crime—Suspected terrorists shot dead in Northern Ireland by army patrol protecting bank—Whether circumstances in which operation to protect bank planned relevant in determining whether use of force by soldiers reasonable 'in the circumstances' to prevent crime—Criminal Law Act (Northern Ireland) 1967, s 3(1). *Farrell v Secretary of State for Defence* [1980] 1 166, HL.

TRIAL

Criminal. *See* Criminal law (Trial).

Jury—

Right to trial by jury—

Fraud in issue—Transfer of proceedings from Chancery Division to Queen's Bench Division. *See* Practice (Transfer of proceedings between Divisions of High Court—Jury trial available as of right in action begun in Queen's Bench Division where fraud in issue—Action begun in Chancery Division including allegation of fraud).

Trial by jury—

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Jamaica. *See* Jamaica (Constitutional law—Entrenched provisions of Constitution—Trial by jury).

Matrimonial causes—

Practice. *See* Practice (Matrimonial causes—Trial).

Practice—

Civil proceedings. *See* Practice (Trial).

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Matrimonial causes—

Applications for property adjustment and lump sums. *See* Practice (Matrimonial causes—Trial—Directions for trial—Applications for property adjustment and lump sums—Pre-trial review).

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TRIBUNAL

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Value added tax tribunal. *See* Value added tax (Tribunal).

TRUST AND TRUSTEE

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Trustee in bankruptcy. *See* Bankruptcy (Trustee in bankruptcy).

Breach of trust—

Concealment of right of action by fraud—

Limitation of action. *See* Limitation of action (Concealment of right of action by fraud—Fraud—Action against trustee for breach of trust).

Interest chargeable against trustee—

Rate of interest. *Bartlett v Barclays Bank Trust Co Ltd (No 2)* [1980] 2 92, ChD.

Investments—

Majority shareholding in private company—Duty of trustees in regard to management of the company's affairs—Trust corporation—Bank trustee of settlement—Trust fund consisting of majority of shares in private property company—Bank not represented at board meetings and not insisting on regular flow of information from board—Bank content to receive information dispensed at annual general meetings—Company suffering substantial loss through hazardous investment in property development—Bank unaware of nature of investment—Whether bank in breach of trust—Whether bank under duty to obtain regular flow of information from board—Whether bank entitled to set off profit from one speculative investment against loss in another—Trustee Act 1925, s 61. *Bartlett v Barclays Bank Trust Co Ltd* [1980] 1 129, ChD.

TRUST AND TRUSTEE (cont)

Breach of trust (cont)—

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Majority shareholding in private company—Duty of trustees in regard to management of the company's affairs—Trust corporation—Bank trustee of settlement—Trust fund consisting of majority of shares in private property company—Bank not represented at board meetings and not insisting on regular flow of information from board—Bank content to receive information dispensed at annual general meetings—Company suffering substantial loss through hazardous investment in property development—Bank unaware of nature of investment—Whether bank in breach of trust—Whether bank under duty to obtain regular flow of information from board—Whether bank entitled to set off profit from one speculative investment against loss in another—Trustee Act 1925, s 61. *Bartlett v Barclays Bank Trust Co Ltd* [1980] 1 139, ChD.

Sale of trust property in breach of trust and wrongful distribution of proceeds—

Measure of liability to replace trust fund—Constructive trustee—Solicitor liable as constructive trustee to replace money—Farm sold in breach of trust in 1947 and proceeds wrongfully distributed—Farm resold by purchasers for proper price in 1949—Action by beneficiaries commenced by writ in 1970—Plaintiffs conceding farm would have been sold in 1949 in course of proper administration of trust for price in fact sold in 1949—Judgment in action given in 1979—Estate Duty Office deciding not to charge estate duty on money replaced—Whether measure of liability the value of farm at date of writ or judgment or price at which farm in fact sold in 1949—Whether there should be a deduction from the liability for estate duty that which would have been payable if trust fund had remained intact. *Re Bell's Indenture, Bell v Hickley* [1980] 3 425, ChD.

Set-off—

Separate transactions resulting in loss to trust—Transactions stemming from policy of trustee to make speculative investments—Whether trustee able to set off profit resulting from one transaction against loss resulting from another. *Bartlett v Barclays Bank Trust Co Ltd* [1980] 1 139, ChD.

Wilful default by trustee—

Compensation payable for default—Settled trust fund consisting of shares in company—Some beneficiaries becoming absolutely entitled to their shareholdings before default made good but shareholding retained in settlement until total shareholding subsequently sold—Whether loss suffered by beneficiaries to be assessed at date they become absolutely entitled—Whether tax payable by beneficiaries to be taken into account in assessing compensation—Whether if instances of wilful default are pleaded and proved plaintiff entitled to an account on the footing of all wilful default that has occurred. *Bartlett v Barclays Bank Trust Co Ltd (No 2)* [1980] 2 92, ChD.

Capital gains tax—

Settlement. *See* Capital gains tax (Settlement).

Constructive trustee—

Solicitor—

Misappropriation of trust money. *See* Solicitor (Liability—Constructive trustee—Misappropriation of trust money).

Duty of trustee—

Investments—

Majority shareholding in private company. *See* Breach of trust—Investments—Majority shareholding in private company—Duty of trustees in regard to management of the company's affairs, *ante*.

Misappropriation of trust money—

Solicitor—

Liability of solicitor's partner for misappropriation. *See* Solicitor (Liability—Constructive trustee—Misappropriation of trust money—Liability of solicitor's partner for misappropriation).

Settlement—

Capital gains tax. *See* Capital gains tax (Settlement).

Trust for sale—

Bankruptcy—

Matrimonial home. *See* Bankruptcy (Property available for distribution—Matrimonial home—Sale under trust for sale).

Matrimonial home. *See* Husband and wife (Matrimonial home—Sale under trust for sale).

Refusal of trustees to concur in sale—

Unmarried parties living as man and wife—Home purchased jointly out of money provided by both parties—Purpose of trust to provide family home for parties and children—How discretion of court to order sale to be exercised—Whether discretion same as that under Matrimonial Causes Act 1973, s 24—Matters to be considered—Law of Property Act 1925, s 30—Matrimonial Causes Act 1973, s 24. *Re Evers's Trust, Papps v Evers* [1980] 3 399, CA.

TRUST FOR SALE

Generally. *See* Trust and trustee (Trust for sale).

Sale under trust for sale—

Matrimonial home—

Bankruptcy. *See* Bankruptcy (Property available for distribution—Matrimonial home—Sale under trust for sale).

UNCONSECRATED CHURCHYARD

Sale. *See* Ecclesiastical law (Incumbent—Freehold—Unconsecrated churchyard—Power to convey).

UNDERTAKING

- Payment of money—
- Undertaking given to court—
 - Garnishee proceedings. *See* **Execution** (Garnishee order—Debt due to creditor pursuant to undertaking by debtor to court).

UNDUE INFLUENCE

- Probate—
- Pleading. *See* **Probate** (Pleading—Undue influence).

UNEMPLOYMENT BENEFIT

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- Whether unemployment benefit to be taken into account. *See* **Damages** (Personal injury—Loss of earnings—Deduction of unemployment benefit).

UNFAIR DISMISSAL

- Industrial tribunal proceedings—
- Postponement of hearing—
 - Postponement pending outcome of High Court proceedings. *See* **Industrial tribunal** (Procedure—Decision—Postponement of hearing of proceedings—Discretion—Proceedings for unfair dismissal).

UNINCORPORATED ASSOCIATION

- Requirements of unincorporated association—
- Political party comprising members of local constituency associations and both Houses of Parliament—
 - Funds raised by party treasurers held by party's central office which provided administrative services to party—Funds raised by party treasurers held by party's central office which provided administrative services to party—Expenditure of funds under control of party leader—Party leader providing link between members of party—Rules for selection of party leader not subject to amendment—Whether rules for selection of party leader constituting contract between members of party—Whether party an unincorporated association—Whether central office holding income from funds on behalf of an unincorporated association—Whether central office liable to corporation tax on income from funds. **Conservative and Unionist Central office v Burrell (Inspector of Taxes)** [1980] 3 42, ChD.

UNIVERSITY

- Grant for study. *See* **Education** (University—Grant for study).
- Sport—
 - Charity—
 - Promotion and encouragement of sport—Trust to promote association football in schools and universities. *See* **Charity** (Education—Educational purposes—Sport—Promotion and encouragement of sport—Trust to promote, encourage and provide facilities for pupils of schools and universities to play association football and other games).

UNMARRIED COUPLE

- Trust for sale—
- Family home—
 - Refusal of trustees to concur in sale. *See* **Trust and trustee** (Trust for sale—Refusal of trustees to concur in sale—Unmarried parties living as man and wife).

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- See* **Town and country planning** (Development—Use classes).

VALUE ADDED TAX

- Company—
 - Winding-up—
 - Preferential payment. *See* **Company** (Winding-up—Preferential payments—Taxes—Value-added tax).
 - Supply of goods or services—
 - Supply—
 - Second-hand car dealer selling stolen cars at public auction—Whether sales a 'supply' of goods—Finance Act 1972, ss 1, 2, 5. **Customs and Excise Comrs v Oliver** [1980] 1 353, QBD.
- Tribunal—
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 - Review of commissioners' decision—Commissioners' discretion as to the sufficiency of records kept by taxable person—Whether discretion subject to review by tribunal—Finance Act 1972, s 40(1)—Value Added Tax (Works of Art, Antiques and Scientific Collections) Order 1972 (SI 1972 No 1971), art 3(5). **Customs and Excise Comrs v J H Corbitt (Numismatists) Ltd** [1980] 2 72, HL.

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- Criminal bankruptcy order—
 - Jurisdiction of Crown Court. *See* **Crown Court** (Order—Amendment—Jurisdiction—Criminal bankruptcy order in respect of several offences).
- Injunction—
 - Interlocutory injunction restraining removal of assets out of the jurisdiction. *See* **Injunction** (Interlocutory—Danger that defendant may transfer assets out of jurisdiction—Injunction restraining removal of assets out of the jurisdiction—

VEHICLE

- Negligence—
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Whether video cassette an article capable of being published. *See* **Criminal law** (Obscene publications—Article—Film or other record of a picture or pictures—Video cassette used to show pornographic film).**VOLENTI NON FIT INJURIA**

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Custody—

Applications which may be made to registrar. *See* **Minor** (Custody—Application—Applications which may be made to registrar—Wardship and guardianship proceedings).

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Whether jurisdiction in wardship proceedings to grant bare declaration of paternity—Whether if jurisdiction discretion to grant declaration should be exercised—Whether court should order blood tests in wardship proceedings—Family Law Reform Act 1969, s 20(1). *Re JS (a minor)* [1980] 1 1061, CA.

Paternity—

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RSC App A—RSC (Writ and Appearance) 1979 (SI 1979 No 1716), r 49(1). **Practice Direction** [1980] 3 822, QBD.

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